Commentary
November 2004

The End of the Right of Self-Defense?

Andrew C. McCarthy

On the Origins of the Mind
David Berlinski

The Case Against the UN
Joshua Muravchik

Telling the Story of America's Jews
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Have We Overcome?
Abigail Thernstrom & Stephan Thernstrom

The Philosopher and the Checkout Girl—A Story
Joseph Epstein

Too Marvelous for Words
Terry Teachout

Books in Review
James Nuechterlein • Arch Puddington • Algis Valiunas
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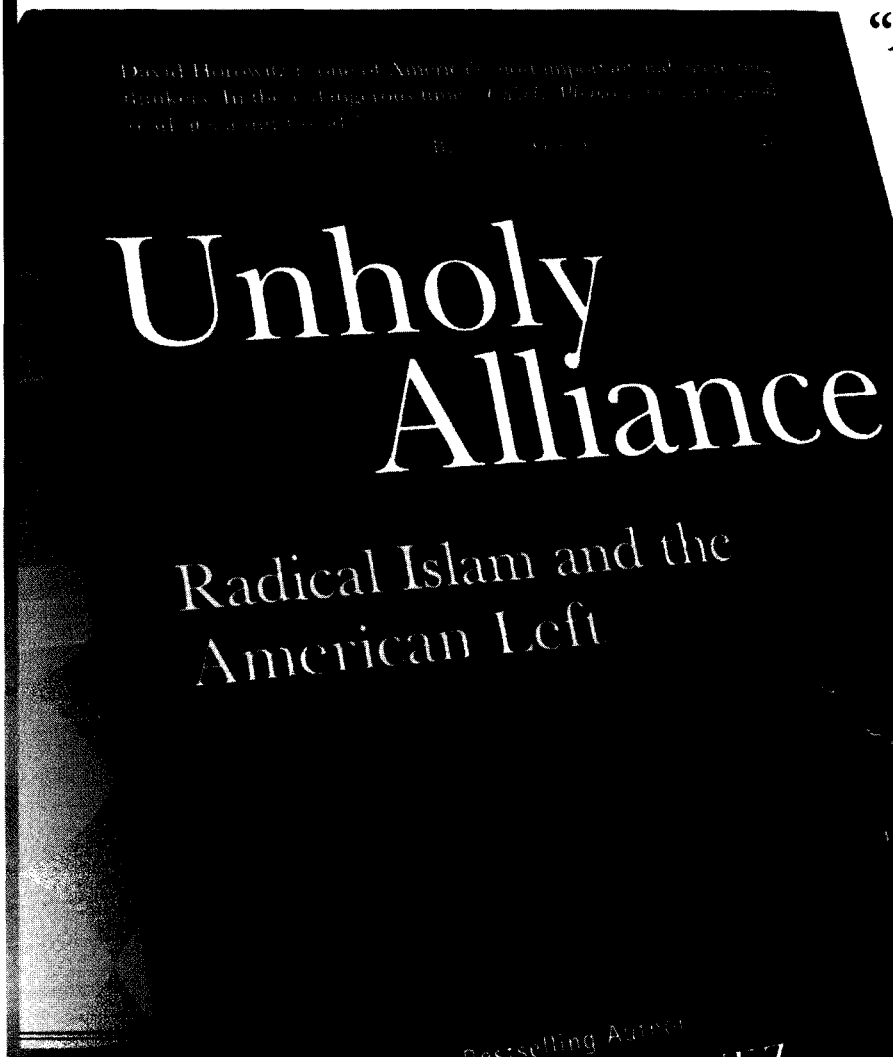

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Commentary

Vol. 118 · November 2004 · No. 4

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Commentary
November 2004

Letters from Readers

Torture

To the Editor:

Casting himself as a civil libertarian concerned with "real-world outcomes," Andrew C. McCarthy resurrects Alan M. Dershowitz's "torture warrant" idea, but with a twist ["Torture: Thinking About the Unthinkable," July-August]. Like Dershowitz, Mr. McCarthy objects to those who "mouth . . . opposition to all torture while knowing full well that forms of it are occurring." "By imposing an absolute ban on something we know is occurring," he claims, "we promote disrespect for the rule of law in general and abdicate our duty to enact tailored and meaningful regulations."

The solution, according to Mr. McCarthy, is not to allow any federal judge to issue a torture warrant, as Dershowitz advocates, but to create a specialized court for that purpose—something akin to the Foreign Intelligence Surveillance Act (FISA) court. Such a court, he contends, could "develop an expertise" on when torture is necessary for counterterrorist purposes.

Both the premise of Mr. McCarthy's argument and his proposed solution are flawed. In fact, one does not "promote disrespect for the rule of law" by imposing a ban that some people still violate. Armed robbery, kidnapping, and rape all regularly occur, but no one believes that the absolute ban on these crimes undermines the law, or that it would be better to "regulate" them by, say, outlining when rape might be justified. Rather, these crimes prompt us to redouble our enforcement efforts. The crime of torture should be no different.

Indeed, if Mr. McCarthy were really concerned with "real-world outcomes," he would worry about the legitimizing effect of ever officially authorizing torture. An absolute ban makes clear that torture is never justified, but a qualified regulation signals that torture might sometimes be acceptable. That permissive signal encourages more torture.

Israel provides a case in point. Its 1987 Landau Commission tried to regulate torture by justifying the use of "moderate physical pressure" in rare cases deemed necessary to prevent an imminent terrorist attack—the so-called ticking-bomb scenario that torture proponents love to invoke. But the ticking-bomb scenario is infinitely elastic, and Israeli interrogators aggressively exploited it. In the quest to save lives, they figured, why stop with the terrorist suspect himself? Why not torture his associates who might know something about an attack? And why stop with an imminent attack? Are the potential victims of future attacks not just as worthy of protection? The slope became very slippery. By the time the Israeli Supreme Court stepped in and called an end to this misguided experiment, in 1999, some 80 percent of Palestinian detainees were being tortured.

As for Mr. McCarthy's faith in specialized national-security tribunals like the FISA court, it is misplaced at best. From 1993 to 2003, the FISA court considered 9,955 applications for wiretaps. It approved all but five. This blank-check approach to official national-security claims should hardly surprise us, because—as is required in national-security cases—the proceedings are closed and *ex parte*. Never hearing from anyone but the government, the court naturally defers to its claims of necessity. There is no reason to believe that a torture court, facing similarly urgent *ex parte* claims, would be any less deferential.

Kenneth Roth
Human Rights Watch
New York City

To the Editor:

Under U.S. law, no torture is permitted—period. This is not the outcome Andrew C. McCarthy wishes. He wants the government

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to be able to torture—and to have justification for it. "Suppose," he writes, "that a radiological bomb will be detonated momentarily in the heart of a major metropolis."

In this set-up, we are asked to assume that thousands will die unless torture is practiced. But is Mr. McCarthy's argument just quantitative? Though it might be less dramatic to "save" one life rather than thousands by resorting to torture, it would be no less justified according to his logic.

Next, in Mr. McCarthy's scenario, we have on the one hand an *imminent* catastrophe (the ticking time bomb) and on the other hand a judicial procedure to obtain a legal warrant for torture, which cannot possibly be completed in time. We are asked to believe that at the critical moment the Attorney General will go before a judge, respond to questions, hear the decision, and then communicate it to the state's torturers, who will then begin their legal acts—all within the framework of a crisis.

We are also asked to believe that this special judge will actually weigh whether to grant the warrant. What judge would choose to err on the side of the one for whom torture is proposed? If wrong, the judge faces the possibility of thousands dying because he did not grant the warrant. If he does grant the warrant and the torture victim has no information, only one innocent person will have suffered and there will be no publicity. Which risk is the experienced judge more likely to take?

And what happens if the "torture-lite" advocated by Mr. McCarthy is insufficient to produce the alleged information? Is he proposing that we simply give up and let those thousands die? What happens if the state's licensed torturers then adopt more severe methods? Would Mr. McCarthy demand their prosecution for violation of the warrant?

Under the guise of tough practical thinking, Mr. McCarthy tries to have it both ways. But there is no clean, antiseptic manner to engage in torture.

HAROLD NELSON
Washington, D.C.

TO THE EDITOR:

Andrew C. McCarthy's claim that he is bringing "rationality" to a subject that has until now been mired in emotionalism is breathtaking in its arrogance. His accusation that human-rights activists are giving comfort to terrorists is truly beneath contempt. The use of torture by agents of the United States has been a colossal moral and political disaster. The revelations coming from the outing of the torture memos produced by the staff of the Justice Department have sickened many in the legal community, and remind one of the clever work of the judicial arm of the German state during the 1930's.

The idea that the U.S. should contain terror by enshrining terror in its own legal system would not deserve a reply but for its appearance in COMMENTARY. Mr. McCarthy offers nothing to support his contention that such corruption of this nation's values would be justified. There have been no intelligence coups based upon the Abu Ghraib interrogations. The only noticeable result has been the debasement of our national character in the eyes of the world community. This, at a time when we are trying to "win the hearts and minds" of the very people our soldiers have been torturing.

There is nothing that Mr. McCarthy proposes in his essay that has not been done in the past when this country has confronted unconventional forces. We tortured and we terrorized and we lost. We lost on many levels.

FRANK MIATA
Boise, Idaho

TO THE EDITOR:

Exceptional circumstances in which persons are permitted to transgress the law are very difficult to define with precision. That is why the criminal law usually sticks with general prohibitions and allows for things like the necessity defense to cover and protect those who violate the law in good faith to prevent an evil of greater magnitude than the one the violated law was meant to deter.

I cannot imagine rules and regulations that would adequately cover every instance in which torture might be morally and legally justifiable; nor can I imagine a court authorizing torture as a matter of public record. I consider it preferable to do what most other nations do: have strongly worded laws prohibiting torture in general. When a violation occurs and is publicly revealed, the offending country can say, "It was a violation of our law and stated policy. The violators will be tried and punished."

The decision whether or not to employ torture during interrogations should be left in the hands of a person whose judgment is trusted, who is not visibly connected with civilian authority, and who is willing to undergo the risk of criminal punishment if his necessity defense does not hold up in court. Hypocritical? Perhaps, but at least it is a workable solution. Mr. McCarthy's solution is not.

BARTON L. INGRAHAM
Santa Fe, New Mexico

TO THE EDITOR:

On the whole I liked Andrew C. McCarthy's article, but it has two defects. First, he does not mention the argument of the great humanitarian, Jeremy Bentham, that torture should be permitted in cases of large-scale arson. This was the closest early 19th-century approximation to our problem with modern terrorists. If even Bentham made an exception for this particular crime, it is hard to argue that people who favor torture for terrorists are necessarily wrong. It should, of course, be pointed out that what Bentham was thinking of in connection with torture was much more painful than anything we have done in Iraq.

An argument *against* torture is that we could achieve the same ends simply by paying large sums of money for information. In order to use torture, you have to find someone who has information you want. If you offer rewards, these people come to see you voluntarily. The use of rewards for information has been an important part of British police techniques for centuries. I would argue that we should totally abandon torture, or simple mistreatment like that used in Iraq, but offer large amounts of money together with anonymity for information. This is not only more humane, it should be much more effective.

GORDON TULLOCK
George Mason University
Fairfax, Virginia

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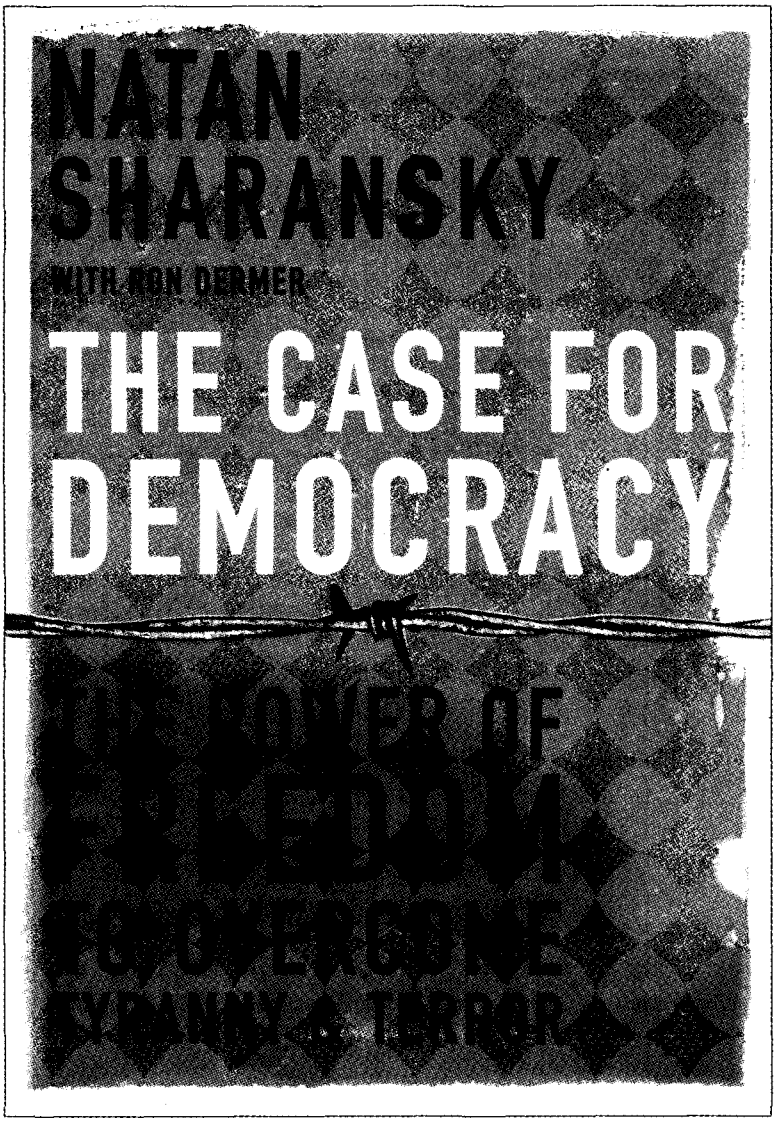

It is arguably the great issue of our time. Is the spread of democracy everywhere, including the Middle East, possible - or even desirable? Israeli leader Natan Sharansky believes it is both. He should know. A former Soviet dissident, political prisoner, and human rights icon, Sharansky stands firmly convinced that we are far safer in a world full of democrats who hate us than tyrants who love us. In ***The Case for Democracy*** he makes this powerful, impassioned, and provocative case: The spread of democracy everywhere is not only possible—it is essential to the very survival of our civiliation.

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TO THE EDITOR:

Andrew C. McCarthy delves deeply into the reasoning for forswearing the use of torture, but somehow he misses the principal point. The United States should only consider giving up the use of this instrument if, and only if, it can extract a credible promise from its enemies to do likewise. Such agreements should be entered into on a case-by-case basis, and considered only when the outcome of such an agreement will not compromise the overriding goal of swift and decisive victory. Under present circumstances, our people, when held prisoner, are decapitated; our enemies, by contrast, are protected from the rigors of prison life.

To win the war, the administration is going to have to take the gloves off. The alternative is to lose the war, or more precisely not to win it. In that case, we should prepare ourselves for new and deadly attacks within the borders of the United States, and the rise of leadership with far more Draconian proposals than my own.

JAMES H. FINK
Lincoln, Massachusetts

TO THE EDITOR:

In his clear, concise discussion of the legal issues related to torture, Andrew C. McCarthy makes two critical points. First, the war on terror is not war as envisioned by the drafters of the Geneva Convention. For them, "war" meant the world wars: conflicts of unparalleled destruction, to be sure, but fought by the regular armed forces of nation-states and directed by men who, however ruthless or hateful, could generally be expected to act on the basis of rational calculation. In formulating and adopting the rights and responsibilities of combatants, there was little reason to consider or address phenomena like the suicidal "holy warrior," whose goal is to achieve reward in heaven by killing "infidels" on earth.

Second, there are humanitarian considerations on both sides of the issue. Critics of America's conduct of the war have too often been allowed to seize the "humanitarian" label—claiming that the United States has somehow "lost its soul" in pursuing al Qaeda, the Taliban, or Saddam Hussein. But the war on terror (whether in Afghanistan or Iraq) is not a war of conquest or national aggrandizement. It is being fought to prevent the wholesale butchery of innocent men, women, and children. That is a humanitarian consideration of the very highest order, and it is time the "human rights" community acknowledged this in something other than meaningless platitudes condemning "terrorism in all its forms."

In fact, as Mr. McCarthy also makes clear, absolutes do not wear well in this area. Torture is illegal, and its use is repugnant to American values. Not all coercion, however, constitutes "torture," and there are circumstances in which most people would even countenance the use of torture to achieve a greater good—as with the proverbial nuclear bomb hidden somewhere in Manhattan.

Like Alan M. Dershowitz, Mr. McCarthy suggests institutional reforms that would regularize (and thereby limit) the use of extreme measures. As he acknowledges, even proposing such changes would result in a storm of criticism from Europe and the Muslim world. And, however hypocritical these attacks plainly would be, they are a legitimate (if not necessarily an overriding) concern for U.S. policy-makers. Moreover, with the war only in its fourth year, it is probably too early for fundamental changes in the judicial system like the creation of a National Security Court.

The danger Mr. McCarthy identifies—that our courts will be compromised or corrupted by efforts to accommodate their processes to meet an unprecedented terrorism threat—is real. Other democracies have established courts and procedures for terrorism cases and have not lost their liberties—or their souls—as a result. Great Britain is a notable example, where special courts were created to deal with the threat of IRA terror. If the war with al Qaeda and its allies is to last for many more years or decades, then structural changes will have to be made—and it is time to start talking about those changes and the form they might take. Mr. McCarthy's thoughtful piece is an excellent contribution to this critical national discussion.

LEE A. CASEY
DAVID B. RIVKIN, JR.
Washington, D.C.

ANDREW C. MCCARTHY writes:

My critics fault me for endeavoring to bring the practical world to bear on a subject so fraught with emotion and piety. Frank Miata, indeed, is himself particularly emotional in his condemnation. Not surprisingly, however, neither he nor any of my other critics is willing to wrestle with the question I posed: assuming current law were not an issue, if there were a ticking bomb, would you permit thousands of people to be slaughtered despite the fact that you might be able to prevent their demise by the non-lethal, court-authorized torture of a terrorist? I know what my own answer would be: although I fully agree that torture is repugnant and contrary to our values, I believe it would be more repugnant willfully to allow the mass murder of moral innocents in order to vindicate a value protecting the right of the morally guilty to remain pain-free.

This debate is not about *recognizing* values, it is about weighing them when they collide. I do not think, for example, that Mr. Miata's passion on the subject of torture means he does not care about innocent life, nor would I accuse him of "debas[ing] . . . our national character" when he accords what I regard as insufficient weight to innocent life. These are excruciating choices. Though I disagree with them, I respect the position of Mr. Miata, my former colleague Kenneth Roth, and Harold Nelson that torture should never, ever be permissible. What I am unwilling to do is to relieve them of the burden of their choice. And in that calculus I am far less concerned than Mr. Miata about winning hearts and minds or about the sensibilities of the so-called "world community." I want to save innocent lives.

It is not enough to state the obvious: that torture is bad. Killing is also bad. But we permit the death penalty to punish murderers, we unavoidably kill innocent civilians in prosecuting a just war, and, on 9/11, we were poised to shoot down civilian airliners, piloted by terrorists but loaded with innocent

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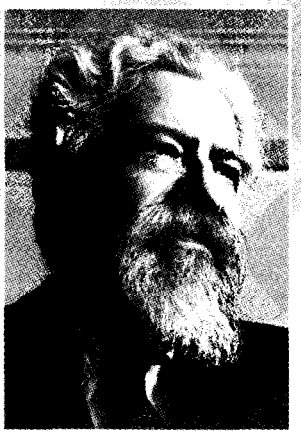

To Maturity

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Abraham Joshua Heschel
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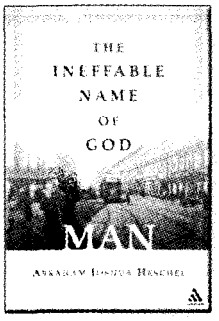

This is the first published work of A. J. Heschel. Written between 1927 and 1933 and never published in English before, *The Ineffable Name of God* is the intimate spiritual diary of a devout European Jew, loyal to the revelation at Sinai and afflicted with reverence for all human beings. Poems appear in English and Yiddish on facing pages.

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People's Eyes Wait

People's eyes wait for me
Like candle wicks for a light.

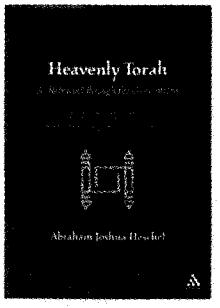
Shamed brothers beg my help,
Deceived sisters dream of consolation

And I, with stubborn boldness, have promised
That I will add some tenderness to the world.

And it seems to me that I will, in time
Move on through this earth
With the brightness of all the stars
in my eyes

"This is clearly a work of gigantic proportions."
—Jacob Neusner

Heavenly Torah
As Refracted Through the Generations
Abraham Joshua Heschel
Edited and translated from the Hebrew with commentary by Gordon Tucker



Known most widely for his role in the civil rights and peace movements of the 1960s, Abraham Joshua Heschel made major scholarly contributions to the fields of biblical studies, rabbinics, medieval Jewish philosophy, Hasidism, and mysticism. Yet his most ambitious scholarly achievement, his three volume study of rabbinic Judaism, is only now appearing in English.

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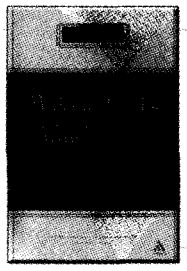

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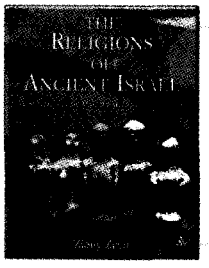

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passengers, in order to prevent the murder of thousands more innocents should those planes have been permitted to strike their targets. These are judgments about revered but competing values that responsible officials have to make. Refusing even to acknowledge them by claiming that torture is simply unthinkable is a cop-out.

When it comes to weighing choices, I did not attempt to draw support from Jeremy Bentham's utilitarian defense of torture, as Gordon Tullock suggests I might have done, because I do not agree with it. I do not think torture can be justified by raw arithmetic: for example, that the torture of one person is justified to save one hundred. By that measure, any kind of physical abuse could be justified, including the torture of moral innocents (as by threatening to kill a terrorist's children in order to coerce information). I am in favor of a serious discussion about appropriate moral limitations. "Anything goes" is even less worthy than an absolute prohibition.

Kenneth Roth is a civil libertarian by any definition, but his critique of my position is flawed and his own claims are unpersuasive. For starters, he has my basic argument wrong. I contend that (a) torture should not be the subject of a flat ban and (b) acknowledging its place but tightly regulating its use will result in less torture than occurs now. He conflates these two points, suggesting that my argument against a ban is based on a calculation that since torture cannot practically be prevented, we might as well legalize it. That is simply wrong.

I am in favor of a limited resort to torture not because I have thrown up my hands at the possibility of outlawing it effectively but because I believe there are extreme cases in which it is warranted—that is, where it is a lesser moral evil than idling while innocents are mass-murdered. Having come to that conclusion, I believe that expressly legalizing but heavily regulating it in extreme cases is not only more honest but would better ensure that torture is a rarity than what we have now (and what Mr. Roth prefers): an absolute proscription that we know is being violated.

Mr. Roth disdains my argument that permitting the law to be flouted promotes disrespect, but his own argument is hollow. We are well aware, he says, that the law against rape is violated, and yet we maintain it. But rape laws are vigorously enforced; when they are violated, the rapists are pursued. I was talking about a situation in which laws are on the books but not vigorously enforced, as when we nominally proscribe drug trafficking but do not enforce the ban on marijuana possession. This "wink and nod" tolerance results in more crime because it informs a society that the authorities are not serious. Thus, there is not only a great deal of marijuana use but creeping increases in other minor drug use as well as in crimes of distribution. If we banned only what we were committed to enforcing, there would be less drug crime overall.

Mr. Roth's mention of robbery actually reinforces my point. We have an absolute ban on robbery, but we also permit the government, under a court-issued warrant, to break into a person's home and seize evidence. If the police engage in lawless searches, they are subject to prosecution and civil suits. Few would argue that the well-established search-warrant procedure has produced a slippery slope of greater police misconduct. I think torture could be handled analogously. This is *not* to say that I am urging that torture be "legalized" in the manner of, say, alcohol consumption. It should be banned as robbery is banned, but with the caveats that in extremely rare instances a court may permit it, and that if it occurs outside those parameters it must be robustly prosecuted.

I have more faith than Mr. Roth does in the FISA court. The fact that it has authorized a high percentage of wiretap and search requests is not surprising: the Justice Department vets all applications, and its standards are so demanding that many requests are rejected without the FISA court's ever hearing about them. Also, the applications Mr. Roth is referring to have a fairly low threshold of proof: namely, probable cause that the subject is an agent of a foreign power. It is unusual to locate such a subject—fewer than a thousand applications a year is not many in a country of 300,000,000—but when it happens it is not hard to establish probable cause, and all the judge is being asked to permit is eavesdropping or a search. Torture warrants would be far rarer, the Justice Department would be an effective gatekeeper, and because the stakes would be higher, judges would be more exacting.

Along these same lines, Harold Nelson is evidently unfamiliar with how courts work. As for his point about timing, emergency procedures are already in place for applications for wiretaps and searches, so that authorization can be sought in minutes. Would courts be cowed? Federal judges today faithfully apply the Constitution to such requests even though the terrorist threat enormously increases the risk to public safety of a refusal to authorize. Pressure in a terror age is the nature of the beast, but the agents, prosecutors, and judges who bear it function quite well, with appropriate deference to the principles they are sworn to uphold.

I am gratified by the number of people who read my essay and took the time to respond so thoughtfully. In particular, I thank Lee A. Casey and David B. Rivkin, Jr. for their kind words and characteristically sharp analysis regarding the inaptness of applying old principles, based on assumptions that no longer hold, to a new form of war with a new type of enemy—one in whose hands these old principles have become weapons.

Christian Europe

TO THE EDITOR:

George Weigel's essay, "The Cathedral and the Cube" [June], offers a salutary reminder of Christianity's influence in teaching "European man about himself, his dignity," and in thus helping, after a fashion, to lay the foundations of our current notions of tolerance and freedom. But he gives far too much credit to Christian motives and intentions.

Although Mr. Weigel may be right that modern-day

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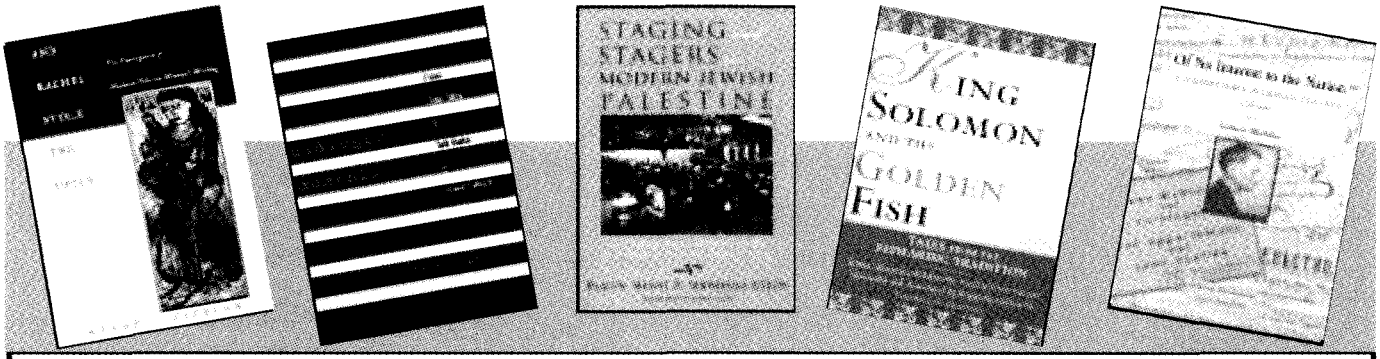

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ideas like the circumscribed powers of secular and religious leaders emerged from the medieval struggles between popes and emperors, it is a bit rich to argue that, just because the Church engaged with nascent states in a war for sovereignty over people's lives, the Church is somehow responsible for the Enlightenment notion of pluralism. The fundamental philosophy of Christianity has not changed: it knows, uniquely, how people should lead their lives. If the European Church subscribes today to the Enlightenment principle of pluralism, it is only because that is its sole remaining option.

Mr. Weigel also makes the old mistake of conflating secularism, a creed espoused by both Stalinists and Nazis, with humanism, which has no truck with repression of any kind. Although Christianity is the enemy of both, it is wrong to smear the latter with the outlook of the former.

In the end, Europeans—and Americans, too—do not need the doctrines of Judeo-Christianity to teach us about rights, dignity, and destiny. To the contrary, it is in listening to the Christian message that the primary purpose of life is to serve God, and that reward will come "hereafter," that we become aware of how the focus of our actions can often veer distressingly from the goal of human happiness. On the crucial moral issues of war, abortion, and euthanasia, to name but three, it is just as well that rational debate can take place among civilized men and women without the influence of Christianity to "enlighten" us.

ROBERT STEIN
London, England

TO THE EDITOR:

At the end of his article, George Weigel asks the fundamental question: "Who, or what, will teach the Europeans of the future that the democratic values . . . are indeed worth promoting—and, especially, worth defending?"

The question is critical because democracy in its modern form is the first and only political regime that does not indoctrinate its children in the superiority of its values. In this it differs from both hierarchical political regimes (including Communism and fascism) and religious denominations, which try to instill their version of the truth, and their prescriptions for living, in the minds of children from the moment they are capable of understanding.

Among the reasons that can be given for democracy's deviation from the rule is its assumption that man is a rational being who can decide by himself what is best, and who will thus, in time, choose democracy. That at any rate is the assumption, but in my opinion it is a false and dangerous one. Totalitarian regimes have enjoyed popular support of the utmost conviction, and many people have been willing to die for them.

If we want to generate support of equal intensity for democracy as the best arrangement of our affairs, we would be wise to instruct our children in its superiority. We can learn from the example of others how to create explicit formulations of our values—a democratic catechism or, if you will, a democratic etiquette. The churches have done it, and I do not see why our secular systems could not follow suit.

A. VAN DANTZIG
Amsterdam, Netherlands

TO THE EDITOR:

George Weigel raises the interesting question as to which culture would better protect human rights: the one that has built the rational but featureless cube (La Grande Arche in Paris) or the one that built Notre-Dame and the other great gothic cathedrals of France?

While he ends with a somewhat balanced sense of the need for both, Mr. Weigel seems to lean toward the cathedral, chiding the Europeans now crafting the preamble to the proposed European constitution for repressing, on the one hand, the Christian past and, on the other, the "all-too-modern and all-too-secular horrors of Nazism and Communism . . . that the new Europe has but recently emerged [from]."

Yet it would seem to me that Nazism and Communism, although secular in form, are on a continuum with the singleminded, ruthless vision of the Church, which also overrode consideration for the individual. Here, as quoted by Arthur Koestler, is what Dietrich von Nieheim, bishop of Verden, wrote in *De Schismate* (ca. 1411):

> When the existence of the Church is threatened, she is released from the commandments of morality. With unity as the end, the use of every means is sanctified, even cunning, treachery, violence, simony, prison, death. For all order is for the sake of the community, and the individual must be sacrificed to the common good.

The seeds of any totalitarian system can be found in this statement. That, to me, is the heritage that both Europeans and Mr. Weigel need to acknowledge.

MENORAH ROTENBERG
Teaneck, New Jersey

TO THE EDITOR:

The question as to whether Europe will be Christian or secular is overshadowed by what George Weigel himself calls "the Islamist enemy that is now inside Europe's home" and that, he avers, is growing closer to demographic and political significance. This, indeed, is the looming threat to both the Christian and secular values of Western Europe.

It is nearly 30 years since Jean Raspail's novel, *The Camp of the Saints*, was published in English, telling of an overwhelming third-world invasion of Western Europe. Back then the book's vision was described alternatively as "satirical," "far-fetched," and "disturbing." Today, it is no joke.

FREDERIC WILE
New York City

GEORGE WEIGEL writes:

In "The Cathedral and the Cube" I tried to make three points, variously missed by Robert Stein, A. Van Dantzig, and Menorah Rotenberg: (1) Democracy is a way of life based on shared moral commitments, not simply a matter of procedures and institutions. (2) The argument over acknowledging a Christian contribution to modern European civilization in the preamble to the European constitution reveals a determination among European intellectual and political elites to "establish" secularism as the official

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house ideology of the European Union. (3) The current demographic crisis of Europe is one expression of a longstanding crisis of civilizational morale, which is itself a by-product of atheistic humanism and its teaching that the God of the Bible is the enemy of human liberation.

On some specific issues raised by my correspondents: Robert Stein suggests that pluralism is an "Enlightenment notion." But pluralism was a sociologial fact in Europe long before it became a plank in the ideological platform of Enlightenment political theorists. No less an authority than the sociologist Peter L. Berger has recently written (in the *Journal of Democracy*) that the outcome of the investiture controversy, the lengthy struggle between the papacy and the Holy Roman Empire to which I referred in my article, "laid the groundwork of institutional pluralism and of what later developed into civil society" in the West.

As for Mr. Stein's suggestion that Catholicism has only accommodated itself to pluralism out of expediency, may I suggest that he take a half-hour and read Pope John Paul II's encyclical on the free society, *Centesimus Annus*, which was published thirteen years ago? In that remarkable document, Mr. Stein will, I hope, find a much more robust defense of pluralism—the engagement of differences within a bond of mutual respect—than any likely to be mounted by today's intellectual heirs of the Enlightenment, for whom pluralism is mere plurality and "tolerance" is essentially an indifference to difference. After digesting *Centesimus Annus*, perhaps Mr. Stein will turn next to the Pope's 1993 encyclical, *Veritatis Splendor*, where he will find a robust defense of the ancient Jewish and Christian claim that serving God and pursuing human happiness are not antinomies, as he seems to imagine them to be.

I would be delighted if today's "secular systems" could inculcate the values of democracy, as A. Van Dantzig suggests. But experience in both the United States and Western Europe suggests that the elites in charge of our respective educational establishments have little interest in teaching the moral superiority of democracy over other systems of governance, because they really do not believe it is possible. In an intellectual climate dominated by the call of Jürgen Habermas and Jacques Derrida for a Europe "neutral toward worldviews," it is very difficult to imagine educational systems being prepared to defend the proposition that democracy is morally superior to what is on offer in other parts of the world. Of course, the scenario alluded to by Frederic Wile might help concentrate some minds here.

It is very tiresome to be forced to rebut new forms of the always-protean Black Legend. But I wonder how Menorah Rotenberg would square the conception of a "singleminded, ruthless vision of the Church," a vision supposedly overriding every "consideration for the individual," with the role of the Catholic Church in the revolution of 1989 in east central Europe—a revolution that produced a greater gain for freedom than any other event in the last half of the 20th century. This reader, too, might want to have a look at *Centesimus Annus*.

Women's Work

TO THE EDITOR:

Perhaps nothing is more certain than the law of unintended consequences, as Sam Schulman's essay, "How Feminism Saved Marriage," so aptly illustrates [July-August]. He might have put more emphasis on the fact that the feminist movement, by opening up previously "masculine" interests and occupations to women—and, to a lesser extent, "feminine" areas to men—inadvertently fostered greater intimacy and intellectual rapport between the sexes. This increased sharing of interests could only help to deepen marriage.

The chief mistake of many doctrinaire advocates of traditional sex roles is to overemphasize the differences between the sexes. On the other hand, the major error of much of feminism is to insist that there are *no* important differences between the sexes. The truth is that we are far more alike than different, but some differences are both real and important.

I grew up in roughly the same pre-feminist era Mr. Schulman describes. Women were largely confined to the occupations of secretary, nurse, teacher, and housewife ("homemaker" and "stay-at-home-mom" were not yet part of our lexicon). The percentage of female attorneys and physicians languished in the single digits. Women in politics were patronized. When Phyllis Schlafly ran for the presidency of the National Federation of Republican Women, her supporters carried signs complaining, "Men in the party want women to do the menial work and not make policy."

There was a crying need for a women's liberation movement, and it has accomplished a great deal. Women are now a majority in our law schools, and female political candidates, both conservative and liberal, are commonplace. These changes are most welcome.

At the same time, the differences between the sexes are such that some areas will remain largely the province of one sex or the other. Men are the majority of lumberjacks, coal miners, movers, and garbage collectors, as they are in other occupations in which physical strength is at a premium. Most athletic competitions are gender-segregated and must remain so if women's sports are to continue to exist. It would make little sense to hold sexually integrated beauty pageants.

Phyllis Schlafly has said that her feminist opponents "have not done anything good." But perhaps one of the good things they did was to make it possible for Schlafly herself to become a household name. Those of us who are not political partisans can see that there was a need for women like Gloria Steinem and Betty Friedan, who pointed out the unnecessarily restrictive nature of the gender distinctions that were made well into the 1970's. But we can also see the need for women like Schlafly, who insist on making *some* distinctions. The emerging synthesis of these views neither exaggerates nor denies sex differences but puts them in perspective, thus nourishing close, happy marriages.

DENISE NOE
Atlanta, Georgia

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Sam Schulman writes:

In her thoughtful letter, Denise Noe suggests an experiment in alternative history-writing. What if the Prussians had not arrived in time to save Wellington at Waterloo? What if a modern-day John Stuart Mill had inadvertently used the manuscript of *The Feminine Mystique* to light the oven? Without the impact of radical feminism, she seems to think, American women would never have entered the "male professions" in any numbers.

I cannot join her in this thought experiment. It is impossible to accept that the women of my generation would have remained acquiescent while we boys were rebelling against our fathers; nor did they. It is equally impossible to accept that the sexual revolution would have affected only one sex and not the other. Artificial boundaries were coming down in the early 1960's. Long-established men-only and women-only educational institutions were merging or becoming coeducational, and women were flocking to professional schools—all before the flare-up of radical feminism. Simpleminded caricatures of the 1950's and early 60's like last year's ludicrous Mike Newell movie, *Mona Lisa Smile*, in which a liberated female teacher confronts a robotic class of Wellesley girls, are just that: caricatures.

The truth is that every trend affecting the position of women in the world after 1970 was already well under way in 1969, and in 1929, and in 1909. The 1950's may have represented a brief pause for rest—a time, in the title of a John Updike story, "When Everyone was Pregnant"—but by the opening of the 60's the integration of women into the workplace had resumed its rapid pace.

Denise Noe is also more sanguine than I am about the effects of this opening-up of professions and of the office collegiality it produced between the sexes. In her view, this new atmosphere, which "inadvertently fostered greater intimacy and intellectual rapport," helped to deepen marriage as well. While I agree that collegiality between men and women has increased and is a good thing in itself, the effect on marriage is not so clear. It remains the case, fortunately or not, that one can be married to only one person (at a time) of the opposite sex. In the new world of work, by contrast, we labor closely and intimately with many others, sharing vivid, seductive, and sometimes even heroic experiences. Compared with this, a mere marriage can seem awfully pallid and empty.

I am strongly reminded in this connection of a critical moment at the conclusion of E.M. Forster's novel, *A Passage to India* (1924), one of the great liberal documents of the last century. Riding together in the Indian countryside, the Muslim hero, Dr. Aziz, repels the idealism of Fielding, the English liberal, by insisting that separation must come before reconciliation:

> "Clear out you fellows, double quick I say! We may hate one another, but we hate you most. If I don't make you go, Ahmed will, Karim will, if it's fifty-five hundred years we shall get rid of you, yes, we shall drive every blasted Englishman into the sea, and then"—he rode against him furiously—"and then," he concluded, "you and I shall be friends."

Forster, himself a liberal (of a kind now extinct) who could laugh at himself with some self-knowledge, has Fielding instantly ruin the moment: "'Why can't we be friends now?,' said the other, holding [Aziz] affectionately."

Something of Fielding's wistful, emollient, generous, but misplaced spirit pervades the sentiments of Denise Noe. The radical feminism of 1969 demanded an "Azizian" stage of total separation between the sexes. The actual feminism that ensued brought men and women into much closer contact and even a kind of friendship, but a kind very different from that dreamed of by the movement's liberal well-wishers. I am curious about the fate of this relationship, achieved with so much difficulty and shared sacrifice on the part of both men and women. I am especially curious now, in the age of gay marriage, when we see women's place in marriage, which is a very different thing from friendship and even from intimacy, being desacralized and shouldered aside by the judicial invention of a new form of matrimony: matrimony without matrons.

Jews of North Africa

To the Editor:

Robert Satloff's excellent article on the North African anti-Semitic tradition ends a bit too early ["In Search of 'Righteous Arabs,'" July-August]. It does not go beyond the 1942 American-British landings on the continent, and therefore glosses over what was perhaps the ugliest period of anti-Jewish policies in French North Africa.

The stringent Vichy racist laws were not abrogated until a year after the Allied forces achieved direct control of the area. Efforts by international organizations and Jewish advocacy groups to rescind those laws were repeatedly rebuffed by General Eisenhower's staff on the grounds that the Allies needed the assistance of the local French (Vichy) apparatus, which was in turn dependent on the goodwill of the local Arab population. As a result, several hundred thousand Jews in Morocco, Algeria, and Tunisia continued to live under discriminatory conditions during all of 1942 and most of 1943.

The State Department files for that period are filled with petitions by Jewish groups for the abrogation of the statutes, as well as with the dilatory responses of the U.S. military and diplomatic authorities. Needless to say, the British liaison officers were even less responsive, fearing at every turn that benevolence toward the Jews might induce desires to lift the blockade on immigration to Palestine. It was a sorry chapter indeed, one whose lesson was not lost on the region's Islamic activists.

Herbert Rosenblum
Philadelphia, Pennsylvania

To the Editor:

Robert Satloff is perhaps too complacent about such "familiar facts" as the pro-Nazi exploits of Haj Amin al-Husseini, the mufti of Jerusalem. I am amazed that Holocaust museums have shown so little interest in displaying the damning photographs of the mufti meeting with Hitler and giving the Nazi salute to Bosnian Mus-

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lim SS divisions. Let it not be forgotten that the mufti was still the Palestinian Arab leader in 1948, and would no doubt have carried out his genocidal plans against the Jews had the Arabs won.

JACK BLOOM
Johannesburg, South Africa

ROBERT SATLOFF writes:

Herbert Rosenblum is on the mark. In an unseemly chapter of the war, vanquished Vichy French governors of North Africa were permitted to maintain their anti-Semitic policies under the gaze of thousands of U.S. and British troops who had come ashore in Operation Torch in November 1942. Convinced (without proof) by the French that a too-hasty change in the local status quo would trigger violent opposition from millions of North African Muslims, American generals and their political advisers struck an agreement—dubbed the "Darlan deal," after the ranking Vichy officer in the area, Admiral Jean-François Darlan—that gave free access through the region to U.S. and Allied troops, but little else.

As a result, local Jews continued to be shorn of their property by confiscatory laws, to be forced into underground schools by quotas even more extreme than those in metropolitan France, and to be tortured in Vichy French slave-labor camps. While I was unable to delve into this topic in my article, I do plan to examine it in a larger work now under way.

But there is another note. In the finest American tradition, a group of Jewish GI's who had come ashore in Torch and were moved by the terrible situation of their North African coreligionists organized themselves to lodge a formal protest with Robert Murphy, presidential envoy and chief political adviser to the U.S. forces in Algiers. In his memoirs, *A Diplomat among Warriors*, Murphy dismisses these soldiers as naifs; as Mr. Rosenblum points out, it was months before political and media outrage forced a change in Allied policy. But the courage of those Jewish GI's, many of them probably first-generation Americans themselves, should not be forgotten. For two years I have been looking for veterans of that episode but regrettably have come up empty-handed. I have not even succeeded in finding an independent record of their meeting with Murphy. I urge anyone with information to contact me at robs@washingtoninstitute.org.

As Jack Bloom reminds us, the sordid relationship between Haj Amin al-Husseini and the Nazis has been insufficiently stresssed by some historians. But it is also true that the entire Arab role in the Holocaust has sometimes been falsely equated with the actions of the mufti. As I tried to show in my article, the record was much more mixed than that. There were Arab leaders—including the Bey of Tunis, the Sultan of Morocco, and many of their ministers and governors—who showed kindness and compassion to Jews facing wartime persecution; there were also local Arab leaders willing to sell out the Jews or actively to collaborate with the anti-Jewish programs of the Germans, the French, and the Italians. Without underplaying the story of the mufti, my own interest lies in evaluating that mixed record through an examination of what Arabs did in their own countries, cities, towns, and villages when their Jewish neighbors came under assault.

Elgar

TO THE EDITOR:

Terry Teachout's efforts to stimulate interest in underrated composers like Edward Elgar are entirely praiseworthy ["Unloved Elgar," July-August]. At the same time, he undermines his aim by listing in his discography performances that are hard to find or feature dinosaur sound.

Pablo Casals's performance of Elgar's Cello Concerto *is* a good one, but Jacqueline du Pré's is stronger and more obtainable, and has far better sonics. As for Elgar's interpretations of his own works, *chacun à son goût* and all that, but many of us find them too fast and abrupt, at the cost of the music's considerable poetry and eloquence. The sound is good 1930's vintage—and that's the problem.

There are plenty of CD's of Elgar's music in print with excellent sound and interpretation—e.g., Andrew or Colin Davis's recording of the symphonies, Vernon Handley's outstanding version of the Second Symphony (which includes the vital organ part), and Barbirolli's or Hickox's *Dream of Gerontius*. Furthermore, the budget label Naxos has superb readings of *Falstaff* and the reconstructed Third Symphony—itself a splendid piece of work, *pace* Elgar's wish that it not be completed. Any of these will support the essential rightness of Mr. Teachout's evaluation of a great and thoughtful composer.

DON O'CONNOR
Kreamer, Pennsylvania

TO THE EDITOR:

Thank you for the outstanding article by Terry Teachout on the life and music of Elgar. I had no use for Elgar's music when I was younger, but have come to love it deeply. Mr. Teachout's article was balanced, informative, and has inspired me to revisit some of that music.

I would add one item to his discography. The EMI disc of the Cello Concerto and *Sea Pictures* with John Barbirolli, Jacqueline du Pré, Janet Baker, and the London Symphony (EMI Classics 5 62886 2) is one of the greatest Elgar recordings.

DAVID IRWIN
St. Petersburg, Florida

TO THE EDITOR:

Thank you for publishing Terry Teachout's "Unloved Elgar." I have been an Elgar fan since I was a teenager studying in England, but the restorative optimism of a former age was brought home all the more acutely to me after 9/11, when I consoled myself with Elgar's luminous First Symphony. Sunny confidence emerges triumphantly from the struggles of the first movement. For this modern man, there is no equal to Elgar.

T. J. OLSON
Denver, Colorado

TO THE EDITOR:

I wonder what source Terry Teachout used when writing that the aging Fritz Kreisler opted not to record Elgar's technically demanding Violin Concerto under the composer's baton. In 1932, when the sixteen-year-old Yehudi Menuhin recorded the piece with Elgar conducting, Kreisler was fifty-seven years old. Past the age of seventy, Kreisler was still playing his own fiendishly difficult arrange-

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ment of the Paganini D Major Concerto with several orchestras in the United States and eventually recorded it with Eugene Ormandy and the Philadelphia Orchestra. As it happens, both recordings are extraordinary.

JONATHAN STERNBERG
Philadelphia, Pennsylvania

TERRY TEACHOUT writes:

Some modern-day listeners are acutely allergic to 78-era sound, no matter how painstakingly remastered it may be. To them I would recommend any of the Elgar performances mentioned by my correspondents (though I myself have never cared for either of Jacqueline du Pré's recordings of the Cello Concerto, which I find too emotionally extreme). Nevertheless, I urge those with open ears to hear Elgar's own performances, as well as the other pre-LP recordings listed in my discography. The sound can be a bit creaky, but Elgar's interpretations in particular are invariably striking, not least for their often-startling rhythmic flexibility.

Fritz Kreisler's 1936 recording of his charming one-movement adaptation of the Paganini D Major Concerto, currently available on Symposium 1282, has long been a personal favorite of mine. Alas, it leaves no doubt that Kreisler's technique was in decline by the mid-30's. Increasing deafness had caused his intonation to become uncertain, especially in double-stopped passages, suggesting that he would have found the finger-twisting solo part of Elgar's concerto too daunting to record in the studio (though he continued to give occasional public performances of the concerto as late as 1934, when he played it in London at an Elgar memorial concert).

The story of how Fred Gaisberg of HMV tried in vain to persuade Kreisler to record the Elgar Violin Concerto is told in detail in Jerrold Northrop Moore's fascinating *Elgar on Record: The Composer and the Gramophone* (1974) and more concisely in Michael Kennedy's *Portrait of Elgar* (1968, rev. 1987).

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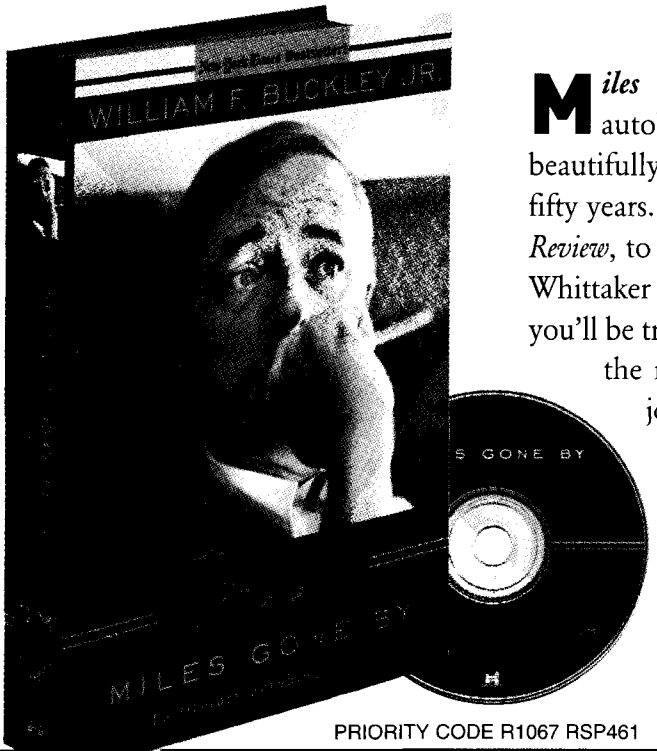

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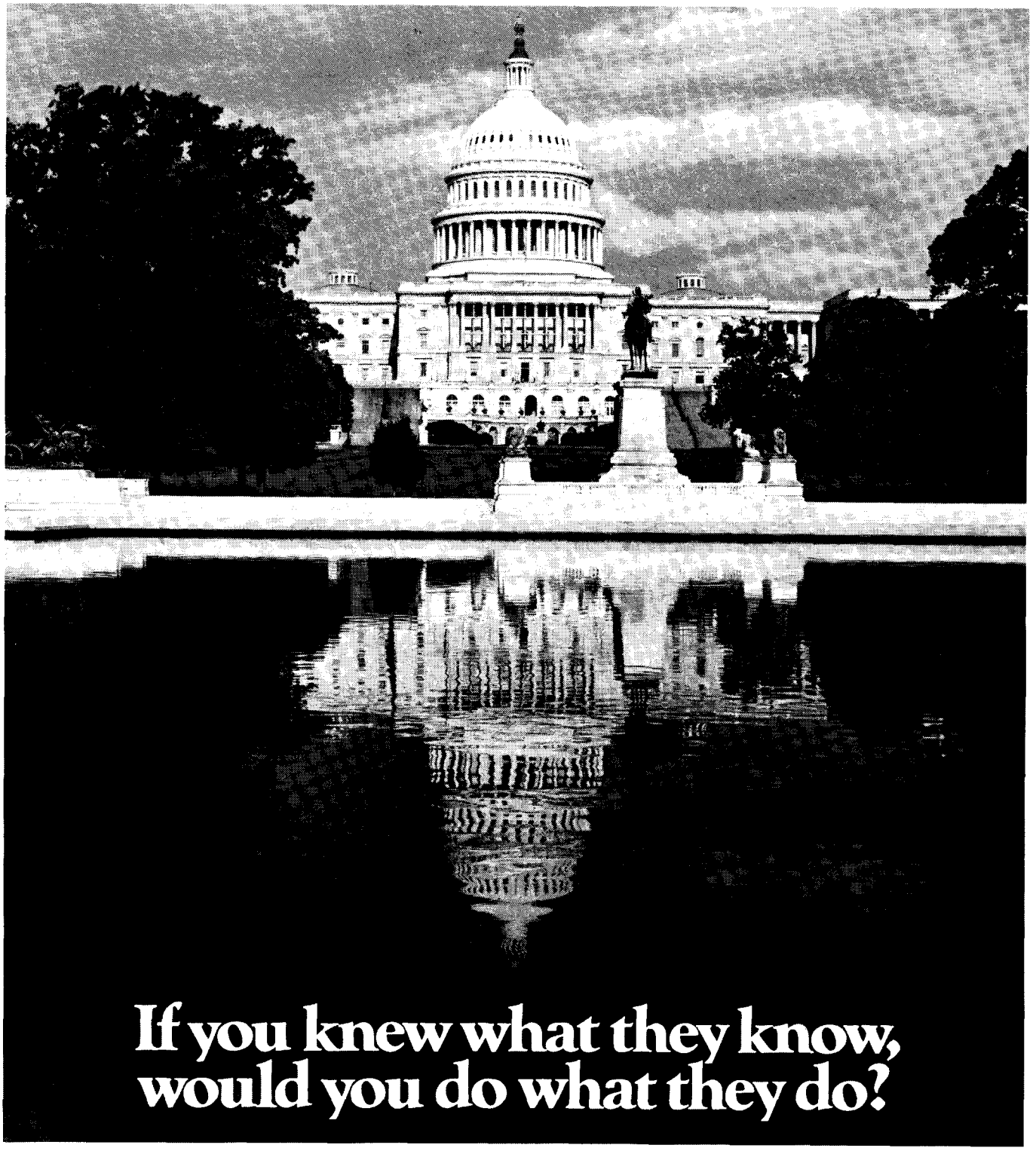

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Commentary
November 2004

The End of the Right of Self-Defense?

Israel, the World Court, and the War on Terror

Andrew C. McCarthy

A country's right to defend itself against external attack is so irreducible a component of sovereignty as to have been assumed from time immemorial. Recent events, however, have cast serious doubt on the continued viability of this assumption—and, with it, the concepts of sovereignty and self-determination as we have long understood them.

On July 9, the International Court of Justice (ICJ), by a lopsided vote of fourteen to one, held that the security barrier being constructed by Israel to shield its citizens from relentless terrorist assault is an affront to international law. The ruling broke ground on several levels, both procedural and substantive. Should it gain universal currency, it would impair not merely Israel's power to protect itself but also the U.S. war against the Islamic terror network that slaughtered 3,000 Americans on 9/11 and the ability of the West to cope with the uniquely threatening environment of the 21st century. No less alarmingly, it would place in question the future of international law itself.

The ICJ, which sits in the Hague and is also known as the World Court, is the judicial branch of the United Nations. Its July 9 ruling was an unusual though not unprecedented exercise of its broad discretion to issue legal guidance in the form of an "advisory opinion." In this instance, the General Assembly's so-called Tenth Emergency Special Session, which exists essentially to consider (and condemn) Israeli actions in the Palestinian conflict, had referred to the ICJ an "urgent" request to assess the legal implications of Israel's anti-terrorism barrier, or "wall" in the General Assembly's loaded terminology.

Having accepted the referral, the ICJ duly filed its 60-page decision, further expounded by separate opinions from several of the fifteen justices. It ruled against Israel on every point raised.

Procedurally, the court brushed aside weighty questions about its own jurisdiction to hear the case in the first place. It did so even though Israel had declined to participate in the litigation; even though the principal adversary claimant—namely, the territories administered by Israel since it captured them in the Six-Day war of 1967—is not a nation-state and is thus without standing before the international judicial tribunal; and even though the barrier dispute is itself only part of a much broader conflict committed to the jurisdiction not of the General Assembly but of the UN Security Council.

On the merits, the court simply assumed that Israel was an "occupying power" under international law, and that its "wall" was therefore an illegal seizure

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of property belonging to another country, which it analogized the territories to be. But, without a hint of irony, the ICJ also found contrariwise that the territories were *not* a country. This it did as a prelude to holding that Israel had no right of self-defense against them—because, according to the court, the UN Charter permits responsive action only in the event of an attack by a "state." Contorting itself a third time, the court reasoned that the territories were indeed the functional equivalent of a country—this, in order to extend to their inhabitants the protections of the Geneva Conventions, which apply only to signatory states.

Not content to leave things there, the ICJ extended its mandate further by declaring that all the world's states are now "under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by the construction." The international community is equally obliged to hold Israel to account for offending the Geneva Convention. Finally, the Security Council was deemed duty-bound by the court to address the "wall" forthwith as a stand-alone issue separate from its work toward a comprehensive Israeli-Palestinian settlement.

THERE HAVE, of course, been international conflicts as long as there have been nation-states, and they have forever been settled by force of arms and diplomacy, the effectiveness of the latter being a function of a country's capacity to project the former. The promotion of *legal* exchange as a means of conflict resolution is a far more recent innovation. It rests on two cornerstones: consent, and a healthy respect for practical limitations.

The interplay between sovereign force and consent in international law, with particular reference to the ICJ, has been trenchantly explicated by Jeremy Rabkin in his new book, *The Case for Sovereignty**:

> Until quite recently, no treatise on international law proposed that violations of international standards in war could be punished by third parties to the conflict. . . . The advent of the United Nations did not change this underlying reality. It was not designed to ensure any rule of international conduct, unless all the great powers were in agreement on the response to a particular violation. . . . So the statute [creating] the International Court of Justice, appended to the UN Charter, stipulated that only states could be parties to disputes before the court and then only with the consent of both parties to the particular dispute.

The ICJ's decision to accept the General Assembly's referral was a major deviation from these moorings. The territories, to repeat, are not a state. It is true that Yasir Arafat's Palestine Liberation Organization has had observer status in the UN since 1974, and since 1988 has been permitted to participate (but not to vote) in the General Assembly. But its metamorphosis into the Palestinian Authority (PA) in 1993 did not vest in the territories the legal standing of a sovereign.

Israel, on the other hand, is an actual state, and it did not consent. Nor was it under any requirement to offer a rationale for refusing to participate in ICJ proceedings. Nevertheless, solid reasons were abundant.

In the UN system, all member nations vote equally in the General Assembly. As a practical matter, though, autocratic and despotic nations outnumber those that are truly free and democratic. This creates a ready facility to call for and adopt condemnatory resolutions. Israel has many well-organized antagonists, including the League of Arab States, the Organization of the Islamic Conference, and the "Non-Aligned Movement"—an amalgam of over 100 countries, including the Islamic ones, which has prematurely recognized the territories as a Palestinian state. Indeed, since 1968 the General Assembly has maintained a standing entity called the "United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories." This goes a long way toward explaining the interminable Tenth Special Session and the fact that scores of politically charged resolutions censuring Israel have been adopted by the UN over the years.

Although such resolutions have little practical effect, they are a valuable barometer of Israel's chances of ever getting a fair shake in a broad-based UN legal process. Ordinarily, the consent-based rules of ICJ jurisdiction limit participation to the parties directly involved and severely discourage participation by outsiders. But advisory opinions are a different animal—they have no "parties" as such, and allow for liberal submission of friend-of-the-court briefs. In the ICJ advisory case, as in the General Assembly, Israel was not a litigant but a target.

Resort to the ICJ's advisory power was highly inappropriate on two other grounds as well. The first relates to the institutional competence of the ICJ itself: since a court is an authority only on legal, not political, matters, and since the work of the

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UN is by nature political, any call for judicial advisory opinions must be highly limited in its scope, which this one palpably was not. The second has to do with the division of labor between the UN's political components.

In the UN system, the Security Council is the body responsible for addressing "threats to the peace" and for determining measures needed to "maintain or restore international peace and security." Consistent with that duty, on November 19, 2003—only two weeks before the Assembly referral—the Security Council adopted Resolution 1515, President Bush's "road map" to a peaceful settlement of the Israeli-Palestinian conflict. The road map envisions an eventual Palestinian state, established as part of a unified, reciprocal disposition of all outstanding issues. But it postulates that progress toward these goals "will only be achieved through an end to violence and terrorism, when the Palestinian people have a leadership acting decisively against terror and willing and able to build a practicing democracy based on tolerance and liberty." Thus, the road map's first phase demands that "the Palestinians immediately undertake an unconditional cessation of violence," and that they make visible progress toward that end in addition to conceding without reservation Israel's right to exist.

While both the PA and Israel announced their intention to abide by the plan's process, the terrorist rampage against Israel has proceeded apace. Hence, to split off the security fence, which has been designed to deal with that rampage, and to do so in the myopic manner proposed by the General Assembly and indulged by the ICJ—focusing on Palestinian suffering to the exclusion of such key issues as terrorism, Israel's right to exist, security in general, the territorial dispute, and other economic and social concerns—is greatly to prejudice Israel's legitimate positions on those matters.

In brief, the security barrier is part and parcel of a conflict that is not within the mandate of the General Assembly, and judicial grappling with its ramifications could not advance the Assembly's legitimate work. But it could, on the contrary, interfere with and considerably complicate the diplomatic work of the Security Council—which neither needed nor sought the ICJ's legal advice on how to resolve a political issue squarely in its portfolio.

Asked to adjudicate *ex parte* a classic two-sided confrontation, the ICJ had to realize it was being recruited as a political tool. If this was not already plain from the source and content of the referral, it was patent from the lineup of non-governmental organizations—including Human Rights Watch, Christian Aid, Oxfam, the Apartheid Wall Campaign, Al-Haq, and the United Nations Relief and Works Agency for Palestinian Refugees in the Near East—that spearheaded a public campaign transparently aimed at swaddling the General Assembly's demarche in the prestige of the ICJ. The court always maintains the discretion to demur from issuing an advisory ruling. To say the least, it was egregiously irresponsible of it not to have done so in this case.

If anything, the procedural flaws I have enumerated pale in comparison to the ICJ's handling of the substance of the case. Even before addressing the merits, one is bound to take note of the composition of the court itself, several of whose members hale from repressive regimes and others of whom had blatant conflicts of interest. To get a taste of the hypocrisy at work, one need go no farther than the opinion's opening salvo.

The ICJ began by announcing its awareness that "developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples is among the purposes and principles of the Charter of the United Nations." These words, uttered as a foretaste to a condemnation of Israel for exercising *its* right of self-determination, were expressed by the ICJ's chief justice, Shi Jiuyong, of China—a Communist regime that denies civil rights, specializes in show trials, terrorizes dissenters, and colonizes Tibet. According to his biography on the ICJ's own website, Shi was a prominent government legal adviser in 1989, when the regime infamously crushed a popular uprising seeking exactly such "equal rights and self-determination" on behalf of the Chinese people.

Shi was not alone. The curriculum vitae of Justice Vladlen S. Vereshchetin of Russia, who also saw fit to condemn Israel, is replete with apparatchik posts held while the Soviets brutalized Eastern Europe. There was also Justice Abdul G. Koroma, who scrutinized Israel from his perch as the ICJ's jurist from Sierra Leone, where a recently ended decade of civil war resulted in thousands killed and the displacement of two million refugees, about a third of the population.

The Egyptian regime of Hosni Mubarak was likewise well represented on the ICJ, in the person of Justice Nabil Elaraby. Quite apart from his government's record as a habitual violator of human rights, Elaraby, a high-ranking government official since 1976, had an arrant conflict of interest as a representative of a historically central participant in the Israel-Arab conflict; needless to say, he declined a

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suggestion that he recuse himself. Similarly disinclined was Justice Awn Shawkat Al-Khasawneh of Jordan, who participated despite having served in Jordan's foreign service for over a quarter-century—much of it when his country was in a state of war with Israel and in a state of denial over the Palestinian Arab refugees whose presence in Jordan was sedulously ignored by his government.

Given this cast of characters, it is perhaps not surprising that the ICJ should have neglected its primary duty of probing disputed issues and have accorded an unrebutted presumption of accuracy to the terms of the General Assembly referral. Yet the referral was, to put it mildly, a loaded political document, expressing hotly contested facts as if they had already been established. It asked:

> What are the legal consequences arising from the construction of the *wall* being built by Israel, *the occupying power*, in the *Occupied Palestinian Territory*, including in and around East Jerusalem, as described in the report of the Secretary General, considering the rules and principles of international law, including the *Fourth Geneva Convention* of 1949, and relevant *Security Council* and General Assembly *resolutions*? [emphasis added]

Since the ICJ shunned its duty, we shall have to do the job for it, beginning with the first item italicized above. Was the General Assembly correct to stipulate that Israel's security barrier is a wall—that is, a structure, like the Berlin Wall whose image the term was meant to conjure up, designed as a unilaterally imposed border, one that oppresses and shuts out a people yearning to live as part of a peaceful whole?

Israel maintains otherwise. It has publicly stated that the barrier is not a wall but a *fence*—a protective device, impermanent and easily movable or removable, aimed at preventing the entry of terrorists now coddled by Palestinian factions who, far from peaceful co-existence, yearn for Israel's extermination. Both the pre-history and the actual history of the barrier conclusively support Israel's contention.

THE IMMEDIATE pre-history is especially relevant. By the year 2000, President Bill Clinton had been seeking a Palestinian-Israeli settlement for nearly eight years, with admirable energy but with a naiveté that had greatly empowered the PA strongman Yasir Arafat. Anxiously nearing the end of his term, Clinton made a last, desperate effort to catalyze a resolution by inviting Arafat and then-Prime Minister Ehud Barak to Camp David. Under intense U.S. pressure, Israel offered the creation of a Palestinian state over 90 percent of the West Bank and all of Gaza, with its capital to be in East Jerusalem. Arafat rejected this breathtaking proposal as insufficient.

When negotiations broke down, Arafat unleashed what came to be known as the second *intifada* (the first having raged into the early 1990's). This operation, loosely coordinated between the PA and Islamic terror groups—aggregating the strength of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, Fatah, its al-Aksa Martyrs Brigade, and other constituents—pursued its bloody campaign mostly by means of suicide bombings, including, occasionally, explosives strapped to children encouraged by a culture of "martyrdom." The attacks have willfully targeted civilians in buses, restaurants, shopping centers, hotels, and other public centers.

In the three-plus years following the inception of the second *intifada* and prior to the start of the barrier's construction, 890 Israelis were murdered. Three-quarters of these were non-combatants, including women and children. To extrapolate to American proportions, for a country the size of Israel this was the equivalent of over 40,000 dead—or, as the commentator Anne Bayefsky has observed, about fourteen 9/11's.

Until late 2003, there was no barrier whatsoever between the West Bank and Israel—a terrorist needed only walk across to attend to his (or her) deadly mission. At that point, convinced beyond any doubt that the PA and the militant Islamic groups resident in the territories were committed to ongoing terrorism as their strategic weapon of choice, the Sharon government concluded that a barrier was a necessary measure of passive self-defense.

Now less than half complete, the barrier will ultimately span about 400 miles. For the most part, it runs approximately along the "Green Line": the pre-1967 armistice marker that, incidentally, has never constituted an internationally recognized border. There are some significant incursions into the eastern or Palestinian side of the line, most controversially to incorporate territorial settlements within the Israeli side of the barrier and to create a six-mile loop aimed at providing protection against missile attacks for aircraft using Israel's international airport.

While the barrier is monotonously called a wall by Palestinian advocates, almost all of it will be a

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chain-link fence—much like the one the UN has recently announced its intention to build to protect its Manhattan headquarters. Exceptions are 30-foot-high concrete sections, totaling about fifteen of the barrier's 400 miles (or less than 4 percent), being built to block three areas where Palestinian snipers have shot at cars traveling on the trans-Israel highway.

Comparison with the Berlin Wall is risible in any event. The fence separates distinct peoples—Israelis and Palestinians—in the manner of fences installed by the U.S. at parts of its border with Mexico or by Israel at its borders with Lebanon, Syria, and Jordan. In most places, the fence's "footprint" is only about 160 feet wide, less than the distance covered by a runner moving from first to third base on a ball field; accommodated within this space are underground and long-range sensors, trenches, landmines, and guard paths. Manned checkpoints are the only practical and permissible means of ingress and egress.

Political claims aside, the fence has undeniably caused hardship for Palestinians.* Freedom of movement has been curbed; there has been separation from loved ones and employment, and inconvenience in access to education and healthcare facilities; checkpoints are far apart, frequently closed, and slow to traverse. Paradoxically, however, the Palestinians have also benefited, enormously, from the fence's construction. The fence dramatically decreases the need for Israeli security forces to enter the territories following terrorist bombings for responsive military operations that can result in collateral deaths, injuries, and the destruction of property. As the UN's road map recognizes, furthermore, the overall conflict cannot be resolved unless and until the Palestinians are galvanized to end terrorism and live in peaceful coexistence; it is a sad but empirical truth that movement toward these ends will not occur until discomfort makes compromise appealing.

Israel's own supreme court has, nevertheless, taken Palestinian concerns to heart, in an action that stands as a scalding reproach to the insouciance of the UN and the ICJ toward the slaughter of innocent Israelis. While upholding construction of the fence itself, the court has directed the government to make modifications aimed at ameliorating suffering in the territories. Sharon has also made other accommodations in response to U.S. prodding. And Israel has openly acknowledged that the fence is not a final border but can be moved or eliminated in conjunction with a negotiated settlement.

The political and legal arguments against the barrier, however, are dwarfed by the national-security imperatives. Simply stated, the fence works. Since its construction began, there has been a 90-percent decrease in terrorist attacks. There have been no attacks launched from Gaza, where the fence is already completed. This past summer, there were two attacks—one in Beersheba and another in Jerusalem—both in areas where planned construction was not yet under way.

Like the General Assembly before it, the ICJ ignored these realities. Aside from uncritically adopting the Islamic bloc's propaganda that the barrier is a wall, it conducted no independent fact-finding regarding the causes of the barrier or its full consequences for either Israelis or Palestinians. The basis for its non-analysis was instead a report from UN Secretary General Kofi Annan, a resolute critic of Israel, purporting to document the suffering of Palestinians and making not the slightest pretense of even-handedness.

Next, the ICJ rubber-stamped the General Assembly's bald assertion that Israel is an "occupying power," and in violation of international law because its barrier effects a seizure of land belonging to another sovereign. The same premise undergirded the court's application of the Fourth Geneva Convention. Yet, while there has been agreement in principle to the eventual creation of a Palestinian state, that sovereign entity does not now exist. The matter of its confines—and specifically the question of whether Gaza, the West Bank, and East Jerusalem constitute occupied territories—is vigorously disputed. The ICJ wholly ignored the relevant facts, which in some particulars are centuries old and which within living memory encompass repeated armed Arab assaults on the territory and existence of the Jewish state.

This is not the place to rehearse that history in its entirety. But one relevant detail concerns the "Green Line" itself, which is simply the name that came to be attached to the armistice lines after Israel's successful struggle in 1948-49 to repulse the five Arab armies that undertook to strangle the Jewish state at birth. These individual arrangements with four of Israel's five enemies (Iraq withdrew, ceding its front to Jordan) were seen as interim deals, destined to be superseded by peace treaties that would perma-

* The legal scholar Ruth Wedgwood offers a characteristically judicious treatment in her "White Paper on the International Court of Justice and the Israeli 'Fence'" (Foundation for the Defense of Democracies).

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nently fix borders. Such treaties did not prove forthcoming, but Israel never wavered from the position that the ceasefire separations were not national boundaries. Nor were they recognized as such by the Arab nations.

The Green Line held precariously until June 1967, when Israel was again besieged by Egypt, Jordan, and Syria. At the end of a week's fighting, the Arabs had been routed and Israel had markedly expanded its territorial control, capturing the West Bank and East Jerusalem from Jordan, Gaza and the Suez from Egypt, and the Golan Heights from Syria. It was this conflict that gave rise, in November 1967, to Security Council Resolution 242, which prescribed the so-called "land for peace" formula, anticipating Israeli pullbacks in exchange for treaties that would set final boundaries with neighbors who would recognize Israel's right to exist.

Despite tireless attempts by Arab apologists through the last four decades to rewrite history—including, in July, an especially brazen intervention by the ICJ's Egyptian judge—Resolution 242 never called for Israel to relinquish *all* captured territory. To the contrary, the Security Council expressly considered and rejected such a prescription. The officially adopted English version of the resolution called for "[w]ithdrawal of Israeli armed forces *from territories* occupied in the recent conflict" (emphasis added), without specifying what territory or how much territory.

Legally, then, the final status of the captured lands remains unresolved (which in part explains why Egypt and Syria launched another war of aggression in 1973 to seek to acquire by force what they had not achieved in diplomacy). Nevertheless, and especially given present claims about Israel's allegedly expansionist intentions, it is worth recalling that in 1979, when Egypt did finally settle its disputes with Israel by a peace treaty, the latter agreed to and executed a phased pullout from the Sinai (including the dismantling of settlements) while simultaneously acknowledging in principle the propriety of some form of autonomy for the Palestinian Arab enclaves of the West Bank and Gaza.

Finally, in the American-brokered Oslo accords of 1993, the Palestinians, represented—however tenuously—by the PLO, struck a historic agreement with Israel anticipating self-government and a comprehensive settlement of unresolved issues, including borders and the rights of Israeli settlers and Palestinian refugees. There has, of course, been no settlement, and no peace. Arafat's PA reneged on its commitment to recognize Israel's right to exist through an unambiguous redrafting of the Palestinian National Charter, abdicated its promise to establish the rule of law and democracy, used its media and educational system to foment hatred of Jews and Israelis, and fostered terrorism both against Jewish settlers in the disputed territories and against civilians across the Green Line.

Through all this, the PA enjoyed neither sovereignty nor fixed borders. But to the ICJ, sallying forth to evaluate legal issues hinging on both of these prerequisites, this would seem to have mattered as little as has the PA's gruesome record of internal corruption and external aggression.

THESE ISSUES aside, of greatest moment both to Israel and globally was surely the ICJ's decimation of self-defense as a sovereign imperative.

The ICJ declared: "Article 51 of the Charter . . . recognizes the existence of an inherent right of self-defense in the case of armed attack by one state against another state. However, Israel does not claim that the attacks against it are imputable to a foreign state." Putting aside what we have seen to be the court's infinitely flexible position on Palestinian sovereignty, its rendering of Article 51 was untenable on several levels.

To begin with, the article simply does not say what the ICJ claims it does. It states: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if *an armed attack* occurs against a Member of the United Nations" (emphasis added). In other words, the provision does not require *state* aggression to justify a state response. As the lone ICJ dissenter, U.S. Justice Thomas Buergenthal, wrote pointedly, "the Security Council has made clear that 'international [non-state] terrorism constitutes a threat to international peace and security' while 'reaffirming the inherent right of individual or collective self-defense as recognized by the Charter of the United Nations.'"

Perhaps cognizant that its interpretation of Article 51 would not withstand scrutiny, the ICJ concurrently sought by sleight-of-hand to make self-defense a non-issue, suggesting (a) that attacks by terrorist militias rather than nations do not register under international law unless they are of a dimension equivalent to attacks "by regular armed forces"; and (b), according to Judge Rosalyn Higgins of the United Kingdom, that non-forcible measures like a security barrier do not qualify as legitimate self-defense. The first notion, as Anne Bayefsky has written, ignores the

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scale of Palestinian terror attacks against a country the size of Israel and implicitly promotes mass murder in population centers; the second, ironically, encourages lethal retaliation when more humane measures might suffice.

To note these startling flaws in the ICJ's construction of Article 51, however, does not do justice to its assault on the venerable doctrine of self-defense. In 1951, some six years after the adoption of the UN Charter, the U.S. Supreme Court turned aside a constitutional challenge to the Smith Act, which criminalized conspiracies to advocate the violent overthrow of the American government. In a concurring opinion, Justice Felix Frankfurter made the obvious explicit:

> The right of a government to maintain its existence—self-preservation—is the most pervasive aspect of sovereignty; and to protect itself from such threats [of domestic insurrection], the federal government is invested with all those inherent and implied powers which, at the time of adopting the Constitution, were generally considered to belong to every government as such, and as being essential to the exercise of its functions.

Indeed, it has been established U.S. jurisprudence since the Civil War that an American president is not merely empowered but *obligated*, regardless of congressional action, to resist by any and all appropriate measures, including force, an attack on the United States from without or from within. Nor is American law the only place where this principle of self-defense is deeply rooted. It is reflective of both doctrines and the common sense that, since antiquity, have been the pillars of international relations.

Thus, in his seminal 1625 treatise, *The Law of War and Peace*, Hugo Grotius, generally regarded as the father of international law, drew on Jewish and Christian writings to formulate a theory that cited repulsion of invasion as perhaps the most appropriate basis for the waging of a just war. He opined, moreover, that forcible self-defense was warranted not only after a nation has been attacked but preemptively, in instances when an adversary is clearly "preparing to kill."

Grotius was himself far from a trend-setter on these rudimentary principles. The doctrine of self-defense had been memorialized long before in, for example, the aphorisms of Cicero, who concluded: "There exists a law, not written down anywhere but inborn in our hearts; a law that comes to us not by training or custom or reading but from nature itself . . . that if our lives are endangered, any and every method of protecting ourselves is morally right."

The same right of self-defense is enshrined, albeit incompletely, in Article 51 of the UN Charter.* Prior to the ICJ decision, even utopian internationalists unhappy with this provision never dreamed of claiming that the article requires state aggression before defensive measures may be justified. Instead, they confined themselves to insisting that, read literally, the article requires an actual instance of forcible aggression before a response is warranted—meaning that *preemptive* self-defense violates international law.

This is itself a reckless view, and it has never been adopted in practical theory or experience. Echoing Grotius, the 18th-century Swiss philosopher Emmerich de Vattel contended emphatically that

> The safest plan is to prevent evil, where that is possible. A nation has the right to resist the injury another seeks to inflict upon it, and to use force . . . against the aggressor. It may even anticipate the other's design, being careful, however, not to act upon vague and doubtful suspicions, lest it should run the risk of becoming itself the aggressor.

Indeed, the most salient condition of self-defense in international law has to do neither with timing nor with the status of the actors but with proportionality. And this, perhaps more than anything else, underscores the ICJ's dereliction in failing to account for the toll that terror has taken on Israel. Even if the Fourth Geneva Convention actually applied to the Palestinians, there would be no violation of its provisions unless Israel's action in building the fence caused disproportionate harm, an assessment that calls for weighing the interests of both sides. To be valid under international law, preemptive self-defense, like all self-defense, must merely be proportional to the threat.

In 1962, the United States imposed a naval quarantine on Cuba in response to evidence that the Soviet Union was installing medium-range missiles. In 1967, Israel preemptively struck Egypt after the latter militarily closed the Straits of Tiran and began to advance across the Sinai. In 1981, Israel preemptively destroyed Iraq's nuclear reactor, then under construction and clearly

* For an insightful discussion of the breadth of the self-defense doctrine, see David B. Rivkin, Jr., Lee A. Casey, and Darin Bartram in "Remember the Caroline" (*National Review Online*, July 1, 2002).

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a threat to Israel's existence; although the strike was unanimously condemned by the Security Council, no real penalties were imposed and history has remembered the attack kindly. Finally, the United States, in designing its national-security strategy in the wake of 9/11, has argued for a sensible reexamination and recasting of the doctrine of preemptive self-defense under international law in light of the modern realities of international terrorism, rogue states, and the availability of weapons of mass destruction.

Against that background, the Israeli security barrier is a historically valid, palpably necessary, provably effective, and comparatively tame self-defense measure. On the last-named point, it is worth stressing that the Israeli barrier, while both reactive and anticipatory, is also passive and non-lethal. It thus fits very comfortably within the ambit of legitimate self-defense under international law as either designed or practiced. For a judicial tribunal to have censured it bespeaks a profound corruption of its mission, and one with seismic implications for the future of international law.

THE ICJ decision is non-binding, and should not, must not, diminish Israel's resolve to complete construction of the security barrier. The first responsibility of government is the security of the governed, and the fence is saving lives, both Israeli and Palestinian.

That the ICJ has been converted into a political tool of the General Assembly can hardly be a revelation to Israel, which has grown inured to the Assembly's sting and had the good sense to avoid lending legitimacy to the ICJ process. Nevertheless, many nations and many anti-Israel activists will seize upon the presumption that this was a legitimate ruling by an important tribunal. Just as the ICJ admonished, they will deem themselves bound to censure and reverse Israel's "illegal occupation" and its "wall." They will use the decision as a justification for looking the other way when Islamic terror strikes.

Although Israel expects nothing less from these sources, where it could be critically hurt is in the only *diplomatic* process that actually matters at this point: the road map. The designated facilitators of the road map, known as the Quartet, are the UN, Russia, the European Union, and the United States. Plainly, the UN will accord considerable deference to the determination of its own court. The same is true of Russia, whose justice voted with the ICJ majority. And there was also the abysmal performance of the EU. Although the European nations had weakly opposed the initial referral to the ICJ by abstaining (rather than voting "no") in the General Assembly, the European justices proceeded unanimously to concur in the ICJ's opinion. The ruling thus reflects the views of the court's representatives from Slovakia, the Netherlands, Germany, France, and the United Kingdom. As for the U.S., its justice dissented from the ICJ ruling, but American participation lent prestige to the proceedings.

No prejudicial action has yet been taken. But if three members of the Quartet were to decide that Israel's position in the diplomatic process has now been conclusively resolved against it, and if the fourth, the U.S., were to signal that, while wrong, the ruling should nevertheless be respected, then the road map would be dead. There are assuredly those among Israel's friends who would cheer such an outcome. The point here is merely to underscore the extent to which Israel's survival hinges ever more critically on its own appraisal of its rights and its requirements, not on international institutions allegedly dedicated to fair process and blatantly unconcerned with either peace or justice.

What finally are the ramifications for the U.S. and the world? Even a half-hearted or partial American acceptance of the ICJ opinion would mean acceptance of two conclusions that are anathema to American constitutional governance. First, if the new rule is that terrorist attacks by subnational actors are an insufficient predicate for measures of self-defense, then the U.S. has unlawfully invaded Afghanistan and Iraq. And if Article 51 as brocaded by the ICJ is now to be the criterion of permissible self-defense, the Bush Doctrine and preemptive self-defense—indeed, even wholly passive measures like, perhaps, missile defense and tight border controls—are *im*-permissible for a nation that wishes to be thought law-abiding. At a time when, among other concerns, al Qaeda scours the earth for weapons of mass destruction, terrorists scout high-profile targets on the East Coast, and Iran is at the threshold (if not beyond) of a nuclear capability, this is suicidal.

Second, and more fundamental, is the issue of sovereignty itself. Self-defense is nothing less than the right to survive, the most elementary prerogative of nationhood. Self-determination, about which the ICJ declaimed loftily and airily, is about who gets to decide whether I survive; and *sovereign* self-determination, at bottom, means that

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a nation must make that decision for itself—not search for a key to it in the latest gloss on Article 51, delegate it to an international bureaucracy, or, still worse, abdicate it to an international judicial tribunal.

Without the power to exert force, the rule of law cannot take root. But hostility to precisely this idea is the abiding watchword of the humanitarian organizations that abetted and provided many of the intellectual underpinnings for the ICJ process. To the principle that human dignity is dependent on the physical power of nations to defend themselves, these organizations and their spokesmen inveterately prefer the quixotic quest for pan-acceptance of universal legal principles.

In recent years, we have repeatedly seen the perverse effects of this disposition. Pitting the humanitarians against the very societies that have striven the hardest to abide by legal principles to the fullest practicable extent, it has aligned them instead with terrorists and insurgents sworn to the destruction of civilized law and of those who uphold it. If the views of the internationalists at the UN and the so-called humanitarians who support them are permitted to prevail, just how humane will be the world they would have us inhabit? It will be a world, of which our own may be a foreshadowing, where a fence that saves human lives can be routinely ruled a violation of human rights, and where barbarism increasingly runs unchecked.

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On the Origins of the Mind

David Berlinski

It's all scientific stuff; it's been proved.
—Tom Buchanan in *The Great Gatsby*

At some time in the history of the universe, there were no human minds, and at some time later, there were. Within the blink of a cosmic eye, a universe in which all was chaos and void came to include hunches, beliefs, sentiments, raw sensations, pains, emotions, wishes, ideas, images, inferences, the feel of rubber, *Schadenfreude*, and the taste of banana ice cream.

A sense of surprise is surely in order. How did *that* get *here*?

If the origin of the human mind is mysterious, so too is its nature. There are, Descartes argued, two substances in the universe, one physical and the other mental.

To many contemporary philosophers, this has seemed rather an embarrassment of riches. But no sooner have they ejected mental substances from their analyses than mental properties pop up to take their place, and if not mental properties then mental functions. As a conceptual category, the mental is apparently unwilling to remain expunged.

And no wonder. Although I may be struck by a thought, or moved by a memory, or distracted by a craving, these familiar descriptions suggest an effect with no obvious physical cause. Thoughts, memories, cravings—they are what? Crossing space and time effortlessly, the human mind deliberates, reckons, assesses, and totes things up; it reacts, registers, reflects, and responds. In some cases, like inattention or carelessness, it invites censure by doing nothing at all or doing something in the wrong way; in other cases, like vision, it acts unhesitatingly and without reflection; and in still other cases, the human mind manages both to slip itself into and stay aloof from the great causal stream that makes the real world boom, so that when *it* gives the go-ahead, what *I* do is, as Thomas Aquinas observed, "inclined but not compelled."

These are not properties commonly found in the physical world. They are, in fact, not found at all.

And yet, the impression remains widespread that whoever is responsible for figuring out the world's deep things seems to have figured out the human mind as well. Commenting on negative advertising in political campaigns, Kathleen Hall Jamieson, the director of the Annenberg Public Policy Center at the University of Pennsylvania, remarked that

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"there appears to be something hard-wired into humans that gives special attention to negative information." There followed what is by now a characteristic note: "I think it's evolutionary biology."

Negative campaign advertisements are the least of it. There is, in addition, war and male aggression, the human sensitivity to beauty, gossip, a preference for suburban landscapes, love, altruism, marriage, jealousy, adultery, road rage, religious belief, fear of snakes, disgust, night sweats, infanticide, and the fact that parents are often fond of their children. The idea that human behavior is "the product of evolution," as the *Washington Post* puts the matter, is now more than a theory: it is a popular conviction.

It is a conviction that reflects a modest consensus of opinion among otherwise disputatious philosophers and psychologists: Steven Pinker, Daniel Dennett, David Buss, Henry Plotkin, Leda Cosmides, John Tooby, Peter Gärdenfors, Gary Marcus. The consensus is constructed, as such things often are, on the basis of a great hope and a handful of similes. The great hope is that the human mind will in the end find an unobtrusive place in the larger world in which purely material causes chase purely material effects throughout the endless night. The similes are, in turn, designed to promote the hope.

THREE SIMILES are at work, each more encompassing than the one before. They give a natural division of labor to what is now called evolutionary psychology.

First, the human mind is *like* a computer in the way that it works. And it is just because the mind *is* like a computer that the computer comprises a model of the mind. "My central thesis," the cognitive psychologist H.A. Simon has written, is that "conventional computers can be, and have been, programmed to represent symbol structures and carry out processes on those structures that parallel, step by step, the way the human brain does it."

Second, the individual human mind is *like* the individual human kidney, or any other organ of the body, in the way that it is created anew in every human being. "Information," Gary Marcus writes, "copied into the nucleus of every newly formed cell, guides the gradual but powerful process of successive approximation that shapes each of the body's organs." This is no less true of the "organ of thought and language" than of the organs of excretion and elimination.

Third, the universal human mind—the expression in matter of human nature—is *like* any other complicated biological artifact in the way that it arose in the human species by means of random variation and natural selection. These forces, as Steven Pinker argues, comprise "the only explanation we have of how complex life *can* evolve. . . ."

Taken together, these similes do succeed wonderfully in suggesting a coherent narrative. The ultimate origins of the human mind may be found in the property of irritability that is an aspect of living tissue itself. There is a primordial twitch, one that has been lost in time but not in memory; various descendant twitches then enlarged themselves, becoming, among the primates at least, sophisticated organs of perception, cognition, and computation. The great Era of Evolutionary Adaptation arrived in the late Paleolithic, a veritable genetic Renaissance in which the contingencies of life created, in the words of the evolutionary psychologist Leda Cosmides, "programs that [were] well-engineered for solving problems such as hunting, foraging for plant foods, courting mates, cooperating with kin, forming coalitions for mutual defense, avoiding predators, and the like." There followed the long Era in Which Nothing Happened, the modern human mind retaining in its structure and programs the mark of the time that human beings spent in the savannah or on the forest floor, hunting, gathering, and reproducing with Darwinian gusto.

Three quite separate scientific theories do much to justify this grand narrative and the three similes that support it. In the first instance, computer science; in the second, theories of biological development; in the third, Darwin's theory of evolution. At times, indeed, it must seem that only the width of a cigarette paper separates evolutionary psychology from the power and the glory of the physical sciences themselves.

The Model for What Science Should Be

IF THE claims of evolutionary psychology are ambitious, the standard against which they should be assessed must be mature, reasonable, and persuasive. If nothing else, that standard must reflect principles that have worked to brilliant success in the physical sciences themselves. This is more than a gesture of respect; it is simple common sense.

In stressing the importance of their subject, the mathematicians J.H. Hubbard and B.H. West

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begin their textbook on differential equations by observing that "historically, Newton's spectacular success in describing mechanics by differential equations was a *model for what science should be*" (emphasis added). Hubbard and West then add what is in any case obvious: that "all basic physical laws are stated as differential equations, whether it be Maxwell's equations for electrodynamics, Schrödinger's equation for quantum mechanics, or Einstein's equations for general relativity."

Equations do lie close to the mathematician's heart, and differential equations closer than most. On one side of such an equation, there is a variable denoting an unknown mathematical function; on the other, a description of the rate at which that unknown function is changing at every last moment down to the infinitesimal. Within the physical sciences, such changes express the forces of nature, the moon perpetually falling because perpetually accelerated by the universal force of gravitation. The mathematician's task is to determine the overall, or global, identity of the unknown function from its local rate of change.

In describing the world by means of a differential equation, the mind thus moves from what is local to what is global. It follows that the "model for what science should be" involves an interdiction against action at a distance. "One object," the Russian mathematician Mikhael Gromov observes, "cannot influence another one removed from it without involving local agents located one next to another and making a continuous chain joining the two objects." As for what happens when the interdiction lapses, Gromov, following the French mathematician René Thom, refers to the result as *magic*. This contrast between a disciplined, differential description of a natural process and an essentially magical description is a useful way of describing a fundamental disjunction in thought.

A differential equation, it is important to stress, offers only a general prescription for change. The distance covered by a falling object is a matter of how fast it has been going and how long it has been going fast; this, an equation describes. But how *far* an object has gone depends on how high it was when it began falling, and this the underlying equation does not specify and so cannot describe. The solutions to a differential equation answer the question, how is the process changing? The data themselves answer a quite different question: how or where does the process *start*? Such specifications comprise the initial conditions of a differential equation, and represent the intrusion into the mathematical world of circumstances beyond the mathematical.

It is this that in 1902 suggested to the French mathematician Jacques Hadamard the idea of a "well-posed problem" in analysis. For a differential equation to be physically useful, Hadamard argued, it must meet three requirements. Solutions must in the first place exist. They must be unique. And they must in some reasonable sense be stable, the solutions varying continuously as the initial conditions themselves change.

With these requirements met, a well-posed differential equation achieves a coordination among continuous quantities that is determined for every last crack and crevice in the manifold of time. And is this the standard I am urging on evolutionary psychology? Yes, absolutely.

Nothing but the best.

That the Human Mind Is Like a Digital Computer

ALTHOUGH EVOLUTIONARY psychologists have embraced the computational theory of mind, it is not entirely a new theory; it has been entertained, if not embraced, in other places and at other times. Gottfried Leibniz wrote of universal computing machines in the 17th century, and only the limitations of 17th-century technology prevented him from toppling into the 21st. As it was, he did manage to construct a multipurpose calculator, which, he claimed, could perform the four elementary operations of addition, subtraction, division, and multiplication. But when he demonstrated the device to members of the Royal Society in London, someone in the wings noticed that he was carrying numbers by hand.

I do not know whether this story is true, but it has a very queer power, and in a discussion dominated by any number of similes it constitutes a rhetorical figure—shaped as a warning—all its own.

In 1936, the British logician Alan Turing published the first of his papers on computability. Using nothing more than ink, paper, and the resources of mathematical logic, Turing managed to create an imaginary machine capable of incarnating a very smooth, very suave imitation of the human mind.

Known now as a Turing machine, the device has at its disposal a tape divided into squares and a reading head mounted over the tape. It has, as well, a finite number of physical symbols, most commonly 0's and 1's. The reading head may occupy one of a finite number of distinct physical states.

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And thereafter the repertoire of its action is extremely limited. A Turing machine can, in the first place, recognize symbols, one square at a time. It can, in the second place, print symbols or erase them from the square it is scanning. And it can, in the third place, change its internal state, and move to the left or to the right of the square it is scanning, one square at a time.

There is no fourth place. A Turing machine can do nothing else. In fact, considered simply as a mechanism, a Turing machine can do nothing whatsoever, the thing existing in that peculiar world—my own, and I suspect others' as well—in which everything is possible but nothing gets done.

A Turing machine gains its powers of imitation only when, by means of a program, or an algorithm, it is told what to do. The requisite instructions consist of a finite series of commands, written in a stylized vocabulary precisely calibrated to take advantage of those operations that a Turing machine can perform. What gives to the program its air of cool command is the fact that its symbols function in a double sense. They are symbols by virtue of their *meaning*, and so reflect the intentions of the human mind that has created them; but they are *causes* by virtue of their structure, and so enter into the rhythms of the real world. Like the word "bark," which both expresses a human command and sets a dog to barking, the symbols do double duty.

Although imaginary at its inception, a Turing machine brilliantly anticipated its own realization in matter. Through a process of intellectual parthenogenesis, Turing's ideas gave rise to the modern digital computer. And once the sheer physical palpability of the computer was recognized—there it is, as real as the rocks, the rifts, and the rills of the physical sciences—there was nothing to stand in the way of the first controlling simile of evolutionary psychology: that the human mind is itself a computer, one embodied in the human brain.

The promotion of the computer from an imaginary to a physical object serves the additional purpose of restoring it to the world that can be understood in terms of the "model for what science should be." As a physical device, nothing more than a collection of electronic circuits, the digital computer can be represented entirely by Clerk Maxwell's theory of the electromagnetic field, with the distinction between a Turing machine and its program duplicated in the distinction between a differential equation and its initial conditions. We are returned to the continuous and infinite world studied by mathematical physics, the world in which differential equations track the evolution of material objects moving through time in response to the eternal forces of nature itself.

The intellectual maneuvers that I have recounted serve to make the computer an irresistibly compelling object. But they serve, as well, to displace attention from the human mind. The effect is to endow the simile that the human mind is like a computer with a plausibility it might not otherwise enjoy.

A certain "power to alter things," Albertus Magnus observed, "indwells in the human soul." The *existence* of this power is hardly in doubt. It is evident in every human act in which the mind imposes itself on nature by taking material objects from their accustomed place and rearranging them; and it is evident again whenever a human being interacts with a machine. Writing with characteristic concision in the *Principia*, Isaac Newton observed that "the power and use of machines consist only in this, that by diminishing the velocity *we* may augment the force, and the contrary" (emphasis added). Although Newton's analysis was restricted to mechanical forces (he knew no others), his point is nonetheless general. A machine is a material object, a *thing*, and as such, its capacity to do work is determined by the forces governing its behavior and by its initial conditions.

Those initial conditions must themselves be explained, and in the nature of things they cannot be explained by the very device that *they* serve to explain. This is precisely the problem that Newton faced in the *Principia*. The magnificent "system of the world" that he devised explained why the orbits of the planets around the sun must be represented by a conic section; but Newton was unable to account for the initial conditions that he had himself imposed on his system. Facing an imponderable, he appealed to divine intervention. It was not until Pierre Simon Laplace introduced his nebular hypothesis in 1796 that some form of agency was removed from Newtonian mechanics.

This same pattern, along with the problem it suggests, recurs whenever machines are at issue, and it returns with a vengeance whenever computers are invoked as explanations for the human

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mind. A computer is simply an electromechanical device, and this is precisely why it is useful as a model of the human brain. By setting its initial conditions, a computer's program allows the machine to do work in the real world. But the normal physical processes by which a computer works are often obscured by their unfamiliarity—who among us *really* understands what a computer is and how it works? No doubt, this is why the thesis that the mind is like a computer resonates with a certain intellectual grandeur.

An abacus conveys no comparable air of mystery. It is a trifle. Made of wood, it consists of a number of wires suspended in a frame and a finite number of beads strung along the wires. Nevertheless, an idealized abacus has precisely the power of a Turing machine, and so both the abacus and the Turing machine serve as models for a working digital computer. By parity of reasoning, they also both serve as models for the human mind.

Yet the thesis that the human mind is like an abacus seems distinctly less plausible than the thesis that the human mind is like a computer, and for obvious reasons. It is precisely when things have been reduced to their essentials that the interaction between a human being and a simple machine emerges clearly. That interaction is naked, a human agent handling an abacus with the same directness of touch that he might employ in handling a lever, a pulley, or an inclined plane. The force that human beings bring to bear on simple machines is muscular and so derived from the chemistry of the human body, the causes ultimately emptying out into the great ocean of physical interactions whose energy binds and loosens the world's large molecules. But what we need to know in the example of the abacus is not the nature of the forces controlling its behavior but the circumstances by which those forces come into play.

No chain of causes known to date accommodates the inconvenient fact that, by setting the initial conditions of a simple machine, a human agent brings about a novel, an unexpected, an entirely idiosyncratic distribution of matter. Every mechanical artifact represents what the anthropologist Mary Douglas calls "matter out of place." The problem that Newton faced but could not solve in the *Principia* returns when an attempt is made to provide a description of the simplest of human acts, the trivial tap or touch that sets a polished wooden bead spinning down a wire. Tracing the causal chain backward leads only to a wilderness of causes, each of them displacing material objects from their proper settings, so that in the end the mystery is simply shoveled back until the point is reached when it can be safely ignored.

A chain of physical causes is thus not obviously useful in explaining how a human agent exhibits the capacity to "alter things." But neither does it help to invoke, as some have done, the hypothesis that another abacus is needed to fix the initial conditions of the first. If each abacus requires yet another abacus in turn, the road lies open to the madness of an infinite regress, a point observed more than 70 years ago by the logicians Kurt Gödel and Alfred Tarski in their epochal papers on incompleteness.

If we are able to explain how the human mind works neither in terms of a series of physical causes nor in terms of a series of infinitely receding mechanical devices, what then is left? There is the ordinary, very rich, infinitely moving account of mental life that without hesitation we apply to ourselves. It is an account frankly magical in its nature. The human mind registers, reacts, and responds; it forms intentions, conceives problems, and then, as Aristotle dryly noted, it *acts*. In analyzing action, we are able to say only, as Albertus Magnus said, that a certain power to alter things inheres in the human soul.

A simile that for its persuasiveness depends on the very process it is intended to explain cannot be counted a great success.

That the Human Mind Is Like Any Other Organ of the Body

IF THE computational account of the human mind cannot be brought under the control of the "model for what science should be," what of the thesis that the human mind can be comprehended by reference to the laws of biological development? Here we come to the second simile of evolutionary psychology.

"As the ruler of the soul," Ptolemy wrote in the *Tetrabiblos*, "Saturn has the power to make men sordid, petty, mean-spirited, indifferent, mean-minded, malignant, cowardly, diffident, evil-speaking, solitary, tearful, shameless, superstitious, fond of toil, unfeeling, devisors of plots against their friends, gloomy, taking no care of their body." We know the type; there is no need to drown the point in words. Some men are just rotten.

The analysis that Ptolemy offers in defense of his thesis is anything but crude. "The chronological starting point of human nativities," he writes, "is naturally the very time of conception, for to

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the seed is given once and for all the very qualities that will mark the adult and that are expressed in growth." It is Saturn's position that affects the seed, and the seed thereafter that affects the man.

Ptolemy's sophistication notwithstanding, no one today is much minded to study the *Tetrabiblos* as a guide to human psychology. Even if a convincing correlation could be established between the position of the planets and the onset of human rottenness, persuading us that we have identified some remote cause in nature for some human effect, that cause would quite obviously violate the interdiction against action at a distance. Ptolemy himself was sensitive to the distinction between astrological knowledge and real knowledge. In trying to construct a continuous chain between the position of the planets and the advent of human rottenness, he was at as great a loss as we are. It is for this reason that the word he employs to describe the way in which heavenly objects evoke their effects is *influence*; it is a word that does not appear, and is not needed, in the *Almagest*, Ptolemy's great treatise on astronomy.

More than 2,000 years have gone by since Ptolemy composed the *Tetrabiblos*. The stars have withdrawn themselves; their role in human affairs has been assigned to other objects. Under views accepted by every evolutionary psychologist, the source of human rottenness may be found either in the environment or within the human genome.

The first of these, the environment, has been the perpetual Plaintiff of Record in *Nurture* v. *Nature et al.* But for our purposes it may now be dismissed from further consideration. If some men are made bad, then they are not born that way; and if they are not born that way, an explanation of human rottenness cannot be expressed in evolutionary terms.

The question at hand is thus whether the path initiated by the human genome in development can be understood in terms of "the model for what science should be." A dynamical system is plainly at work, one that transforms what Ptolemy called "the seed" into a fully formed human being in nine months, and then into an accomplished car thief in less than twenty years. What evolutionary psychology requires is a demonstration that this process may itself be brought under control of a description meeting the standard that "one object cannot influence another one removed from it without involving local agents located one next to another and making a continuous chain joining the two objects."

Well, can it?

"Our basic paradigm," Benjamin Levin writes in his textbook on genetics, "is that genes encode proteins, which in turn are responsible for the synthesis of other structures." Levin is a careful and a conscientious writer. By "other structures" he means only the nucleic acids. But his "basic paradigm" is now a part of a great cultural myth, and by "other structures" most evolutionary psychologists mean *all* of the structures that are made from the proteins, most notably the human brain.

The myth begins solidly enough—with the large bio-molecules that make up the human genome. The analysis of the precise, unfathomably delicate steps that take place as the genome undertakes various biochemical activities has been among the glories of modern science. Unfortunately, however, the chain of causes that begins in the human genome gutters out inconclusively long before the chain can be continued to the human brain, let alone the human mind. Consider in this regard the following sequence of representative quotations in which tight causal connections are progressively displaced in favor of an ever more extravagant series of metaphors:

> (1) *Quantum chemistry*: "For a molecule, it is reasonable to split the kinetic energy into two summations—one over the electrons, and one over the nuclei."
>
> (2) *Biochemistry*: "Initiation of prokaryotic translation requires a tRNA bearing N-formyl methionne, as well as three initiation factors (IF1,2,3), a 30S ribosomal subunit GTP," etc.
>
> (3) *Molecular biology*: "Once the protein binds one site, it *reaches* the other by *crawling* along the DNA, thus *preserving* its *knowledge* of the orientation of the first site" (emphasis added).
>
> (4) *Embryology*: "In the embryo, cells divide, *migrate*, *die*, *stick to each other*, *send out* processes, and *form* synapses" (emphasis added).
>
> (5) and (6) *Developmental genetics*: "But genes are simply regulatory elements, molecules that *arrange* their surrounding environments into an *organism*" (emphasis added).
>
> "Genes *prescribe* epigenetic *rules*, which are the neural *pathways* and *regularities* in *cognitive development* by which the individual *mind assembles* itself" (emphasis added).

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(7) *Developmental biology*: "The *pattern* of neural connections (synapses) *enables* the human cortex to *function* as the *center* for *learning*, *reasoning*, and *memory*, to *develop* the *capacity* for *symbolic expression*, and to *produce voluntary responses* to interpreted stimuli" (emphasis added).

(8) and (9) *Evolutionary psychology*: "Genes, of course, do *influence* human development" (emphasis added).

"[Genes] *created* us, body and mind" (emphasis added).

NOW THE very sober (1) and (2) are clearly a part of "the model for what science should be." By the time we come to (3), however, very large molecular chains have acquired powers of agency: they are busy reaching, crawling, and knowing; it is by no means clear that these metaphors may be eliminated in favor of a biochemical description. Much the same is true of (4). In (5) and (6), a connection is suggested between genes, on the one hand, and organisms, on the other, but the chain of causes and their effects has become very long, the crucial connections now entirely expressed in language that simply disguises profound gaps in our understanding.

In (7) the physical connection between morphology and the mind is reduced to wind, while (8) defiantly resurrects "influence," Ptolemy's original term of choice. It is the altogether exuberant (9)—the quotation is from Richard Dawkins—that finally drowns out any last faint signal from the facts.

These literary exercises suggest that the longer the chain of causes, the weaker the links between and among them. Whether this represents nothing more than the fact that our knowledge is incomplete, or whether it points to a conceptual deficiency that we have no way of expressing, let alone addressing—these are matters that we cannot now judge.

Curiously enough, it has been evolutionary psychologists themselves who are most willing to give up in practice what they do not have in theory. For were that missing theory to exist, it would cancel—it would *annihilate*—any last lingering claim we might make on behalf of human freedom. The physical sciences, after all, do not simply trifle with determinism: it is the heart and soul of their method. Were Boron salts at liberty to discard their identity, the claims of inorganic chemistry would seem considerably less pertinent than they do.

Thus, when Steven Pinker writes that "nature does not dictate what we should accept or how we should live our lives," he is expressing a hope entirely at odds with his professional commitments. If ordinary men and women are, like the professor himself, perfectly free to tell their genes "to go jump in the lake," why then pay the slightest attention to evolutionary psychology—why pay the slightest attention to Pinker?

Irony aside, a pattern is at work here. Where (in the first simile) computational accounts of the mind are clear enough to be encompassed by the model for what science should be, they are incomplete—radically so. They embody what they should explain. Where (in the second simile) biochemical and quantum chemical accounts of development are similarly clear and compelling, they extend no farther than a few large molecules. They defer what they cannot explain. In both cases, something remains unexplained.

This is a disappointing but perhaps not unexpected conclusion. We are talking, after all, about the human mind.

That the Human Mind Is Like Any Other Biological Artifact

EVOLUTIONARY PSYCHOLOGISTS believe that the only force in nature adequate to the generation of biological complexity is natural selection. It is an axiom of their faith. But although natural selection is often described as a force, it is certainly not a force of *nature*. There are four such forces in all: gravitational, electromagnetic, and the strong and weak forces. Natural selection is not one of them. It appears, for the most part, as a free-floating form of agency, one whose identity can only be determined by field studies among living creatures—the ant, the field mouse, and the vole.

But field studies have proved notoriously inconclusive when it comes to natural selection. After three decades spent observing Darwin's finches in the Galapagos, P.R. and B.R. Grant were in the end able to state only that "further continuous long-term studies are needed." It is the conclusion invariably established by evolutionary field studies, and it is the only conclusion established with a high degree of reliability.

The largest story told by evolutionary psychology is therefore anecdotal. Like other such stories, it subordinates itself to the principle that we are what we are because we were what we were. Who could argue otherwise? All too often, however, this principle is itself supported by the counter-principle that we were what we were because we are what we are, a circle not calculated to engender confidence.

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Thus, in tests of preference, Victor Johnson, a bio-psychologist at New Mexico State University, has reported that men throughout the world designate as attractive women with the most feminine faces. Their lips are large and lustrous, their jaws narrow, their eyes wide. On display in every magazine and on every billboard, such faces convey "accented hormonal markers." These are a guide to fertility, and it is the promise of fertility that prompts the enthusiastic male response.

There is no reason to doubt Johnson's claim that on the whole men prefer pretty young women to all the others—the result, I am sure, of research extending over a score of years. It is the connection to fertility that remains puzzling. If male standards of beauty are rooted in the late Paleolithic era, men worldwide should now be looking for stout muscular women with broad backs, sturdy legs, a high threshold to pain, and a welcome eagerness to resume foraging directly after parturition. It has not been widely documented that they do.

In any case, an analysis of human sexual preferences that goes no farther than preferences is an exercise in tiptoeing to the threshold of something important and never peering over. The promise of evolutionary psychology is nothing less than an explanation of the human *mind*. No psychological theory could possibly be considered complete or even interesting that did not ask *why* men exhibit the tastes or undertake the choices they do. When it comes to sexual "preferences," what is involved is the full apparatus of the passions—beliefs, desires, sentiments, wishes, hopes, longings, aching tenderness. To study preferences without invoking the passions is like studying lightning without ever mentioning electricity.

This is one of those instances where evolutionary psychology betrays a queer family resemblance to certain theories in philosophy and psychology that (as we have seen in the case of determinism) evolutionary psychologists are themselves eager to disown. Behaviorism in psychology, as in the work of John Watson and B.F. Skinner, came to grief because human behavior is itself a contested category, and one that lapses into irrelevance once it is enlarged to accommodate the sources of behavior in the mind itself. It may be possible to analyze the mating strategies of the vole, the subject of much current research, by means of a simple assessment of what the vole does: a single genetic switch seems sufficient to persuade an otherwise uxorious male vole to become flamboyantly promiscuous. But human beings, it goes without saying, are not voles, and what *they* do becomes intelligible to them only when it is coordinated with what they are.

Despite the palpably unreliable stories that evolutionary psychologists tell about the past, *is* there, nevertheless, a scientifically reasonable structure that may be invoked to support those stories (as fine bones may support an otherwise frivolous face)?

The underlying tissue that connects the late Paleolithic and the modern era is the gene pool. Changes to that pool reflect a dynamic process in which genes undergo change, duplicate themselves, surge into the future or shuffle off, and by means of all the contingencies of life serve in each generation the purpose of creating yet another generation. This is the province of population genetics, a discipline given a remarkably sophisticated formulation in the 1930's and 40's by Ronald Fisher, J.B.S. Haldane, and Sewall Wright. Excellent mathematicians, these men were interested in treating evolution as a process expressed by some underlying system of equations. In the 1970's and 80's, the Japanese population geneticist Motoo Kimura revived and then extended their theories.

Kimura's treatise, *The Neutral Theory of Molecular Evolution* (1983), opens with words that should prove sobering to any evolutionary psychologist: "The neutral theory asserts that the great majority of evolutionary changes at the molecular level, as revealed by comparative studies of protein and DNA sequences, are caused not by Darwinian selection but by random drift of selectively neutral or nearly neutral mutants."

If Darwin's theory is a matter of random variation *and* natural selection, it is natural selection that is demoted on Kimura's view. Random variation is paramount; chance is the driving force. This is carefully qualified: Kimura is writing about "the great majority of evolutionary changes," not all. In addition, he is willing to accept the Darwinian disjunction: either complex adaptations are the result of natural selection or they are the result of nothing at all. But the effect of his work is clear: insofar as evolution is neutral, it is not adaptive, and insofar as it is not adaptive, natural selection plays no role in life.

Like his predecessors, Kimura writes within a particular tradition, one whose confines are fixed by the "model for what science should be." Thus, in trying to describe the fate of a mutant gene, Kimura is led to a differential equation—the Fokker-Planck equation, previously used to model diffusion processes. Although complicated, the

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equation has a straightforward interpretation. It describes the evolution of a probability distribution, tracking the likelihood over every instant of time that a specific gene will change its representation in a population of genes. Kimura is able to provide an explicit solution for the equation, and thus to treat molecular evolution as a well-posed problem in analysis.

BUT IF the "model for what science should be" is powerful, it is also limited. Stretching it beyond its natural limits often turns out to be an exercise in misapplied force, like a blow delivered to the empty air.

As I have noted several times, the power of a differential equation to govern the flow of time is contingent on some specification of its initial conditions. It is precisely these initial conditions that anecdotal accounts of human evolution cannot supply. We can say of those hunters and gatherers only that they hunted and they gathered, and we can say this only because it seems obvious that there was nothing else for them to do. The gene pool that they embodied cannot be directly recovered.

The question very naturally arises: might that gene pool be recovered from the differential equations of mathematical genetics, much as the original position and momentum of a system of particles moving under the influence of gravitational forces might be recovered from their present position and momentum? This is the question posed by Richard Lewontin.* Writing in a recent issue of the *Annual Review of Genetics*, Lewontin observes that if Kimura's equations carry "a population forward in time from some initial conditions," then what is needed is a second theory, one "that can reverse the deductions of the first theory and infer backward from a particular observed state at present."

Lewontin is correct: this is precisely what is needed. Given the trajectory described by the solution of the Fokker-Planck equation, it *is* certainly possible to track the equation backward, past the middle ages, well past the Roman and then the Sumerian empires, and then into the era of the hunter-gatherers. There is nothing troubling about this. Kimura's equation has an explicit solution, and seeing where it led from is like running a film backward.

But whether, in running this particular film backward, we inevitably channel the temporal stream into a *unique* set of initial conditions is not altogether clear. With questions of this sort, we are in the domain of inverse problems, in which the past is contingent on the present. The solution to an inverse problem, the Russian mathematician Oleg Alifanov remarked, "entails determining unknown causes based on observation of their effects." It is this problem that evolutionary psychology must solve if its engaging stories about the Paleolithic era are to command credibility at the molecular level.

And it is this problem that Lewontin argues cannot be solved in the context of mathematical genetics. "A dynamical theory that predicts the present state generally requires that we know not only the nature and magnitude of the forces that have operated, but also the initial conditions and how long the process has been in operation." This double requirement—*know the forces, specify the initial conditions*—cannot simultaneously be met in going backward from the present. One item of knowledge is needed for the other.

This specific argument may now be enlarged to accommodate the general case. Inverse problems arise in mathematics when the attempt is made to run various mathematical films backward, and they are by now sufficiently well understood so that something may be said about them in a rough-and-ready way. Inverse problems are *not* in general well posed. Observing a pot of boiling liquid, we cannot use the heat equations to determine its identity. Many liquids reach the same boiling point in roughly the same time.

With inverse problems, what is, in fact, lost is the essential sureness and power of the "model for what science should be," and we are returned to a familiar world in which things and data are messy, disorganized, and partial, and in which theories, despite our best intentions, find themselves unable to peep over the hedge of time into the future or the past.

A familiar and by now depressing shape has revealed itself beneath the third and final simile of evolutionary psychology. It succeeds in meeting the demands of "the model for what science should be," but it succeeds in meeting those demands only at an isolated point. The rest is darkness, mystery, and magic.

The Origins of the Human Mind

IF THE chief similes of evolutionary psychology have not improved our understanding of the human mind in any appreciable sense, might we at least say that they have done something toward

* I am grateful to Robert Berwick of MIT for calling my attention to this article, and for insisting on its importance.

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promoting the field's principal hope, namely, that the mind will in the end take its place as a material object existing in a world of other material objects?

This too is by no means clear. As Leda Cosmides has very sensibly observed, evolutionary psychology is more a research program than a body of specific results. As a program, it rather resembles a weekend athlete forever preparing to embark on a variety of strenuous exercises. In the literature of evolutionary psychology, there is thus no very determined effort to assess any of the classical topics in the philosophy of mind with the aim of doing more than affirming vaguely that some aspect of the mind exists because it may well have been useful. There is, in evolutionary psychology, no account of the emotions beyond the trivial, or of the sentiments, no account of action or intention, no account of the human ability to acquire mathematical or scientific knowledge, no very direct exploration of the mind's power to act at a distance by investing things with meaning—no account, that is, of any of the features of the mind whose existence prompts a question about its origins. In its great hope as in so many other respects, evolutionary psychology has reposed its confidence on the bet that in time these things will be explained. If that is so, all that we on the outside can say is that time will tell.

Yet any essay on evolutionary psychology would be incomplete if it did not acknowledge the moving power of its chief story. For that story, involving as it does our own ancestors, suggests that the human mind that we now occupy had its source in circumstances that, although occluded by time and damaged by distance, are nonetheless familiar.

The time is the distant past. "In Babylonia," the 3rd-century historian Eusebius writes in recounting the lost histories of Berossos the Chaldean, a large number of people "lived without discipline and without order, just like the animals." A frightening monster named Oannes then appeared to the Babylonians after clambering out of the Red Sea. "It had the whole body of a fish, but underneath and attached to the head of the fish there was another head, human, and joined to the tail of the fish, feet, like those of a man, and it had a human voice." The monster "spent his days with men, never eating anything, but teaching men the skills necessary for writing, and for doing mathematics, and for all sorts of knowledge."

Since that time, Eusebius adds regretfully, "nothing further has been discovered."

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The Case Against the UN

Joshua Muravchik

AMONG THE "excellencies" attending the 59th session of the UN General Assembly that opened in late September were 64 world presidents, 25 prime ministers, and no fewer than 86 foreign ministers. Such an extraordinary turnout, exulted Secretary General Kofi Annan in his welcoming remarks, attested to the fact "that in these difficult times, the United Nations is . . . the common and indispensable home of the human family."

The speeches that followed, however, were depressingly typical of the miasma of rhetoric for which this "home of the human family" is famous. The German foreign minister: "We will have no peace without development, nor indeed development without peace." His French counterpart: "Without justice, there will be no peace. Without peace, there will be no lasting development." The Brazilian president: "[T]he path to lasting peace must encompass a new political and economic international order." The Spanish president, adding a wrinkle: "Peace and security will only spread over the world with the strength . . . of education and culture." "Culture," he elaborated, "is always peace."

Above the blather, two contrasting voices stood out. One of them was the Secretary General's. As the theme of his formal statement, Annan chose to focus on the rule of law, especially international law as represented in and laid down by the UN. His sharpest points were aimed, none too obliquely, at the United States. "Those who seek to restore legitimacy must themselves embody it," he scolded. "And those who invoke international law must themselves submit to it." That the United States was derelict on this score, Annan had made clear a week earlier when he reiterated a prior accusation that the 2003 invasion of Iraq by America and its allies had been "illegal."

The second voice was President Bush's. Speaking soon after Annan, he focused on the advancement of democracy and human rights, but his remarks also included a rejoinder to critics like Annan: "The Security Council promised serious consequences for [Saddam Hussein's] defiance. And the commitments we make must have meaning. When we say serious consequences, for the sake of peace there must be serious consequences."

The subject of the thrust and parry was Iraq. But Iraq is only a single act in a larger drama whose theme is the tangled relationship of the United States with its troubling offspring, the United Nations, at a time when the distribution of global power is so extraordinarily skewed toward a single country. Annan's deputy Shashi Tharoor has suggested that "the exercise of American power may well be the central issue in world politics today." Conversely, as our presidential campaign has under-

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scored, the degree to which Washington chooses to look to the UN to fulfill its foreign policy objectives is a central issue of American politics.

In 1990, the world body broke free from 45 years of cold-war paralysis to respond to Iraq's absorption of Kuwait. President George H.W. Bush had opted to take the matter to the Security Council even before laying it before the U.S. Congress for a remarkable reason: once he concluded that the liberation of Kuwait would require the use of force, he knew it would be easier to win the assent of the Soviet Union, China, France, and Britain—the other permanent members of the Security Council—than of Democrats in Congress. Only with this endorsement in hand was he able to gain a narrow majority in the U.S. Senate.

It was no doubt as a result of this experience that the first Bush administration left office proclaiming high hopes for the UN, which it said had "been given a new lease on life, emerging as a central instrument for the . . . preservation of peace." Succeeding Bush, Bill Clinton took a still more hopeful view. Determined as he was to "focus like a laser" on the domestic economy, Clinton declared that, to handle international problems, he would rely more on the world body. His first UN ambassador, Madeleine Albright, envisioned "assertive multilateralism" as a cornerstone of both U.S. policy and world peace. Kofi Annan's predecessor, Boutros Boutros-Ghali of Egypt, saw in this post-cold-war American attitude an "extraordinary opportunity to expand, adapt, and reinvigorate the work of the United Nations."

But within two years, Clinton's and Boutros-Ghali's hopes were dashed. In Somalia, Clinton had wanted to remove the American troops that were sent there by his predecessor to help stem a famine caused mostly by the depredations of rival warlords. Yielding to Boutros-Ghali's pleas, he left behind a substantial contingent as the backbone of a UN force undertaking to build a nation in that godforsaken land. This well-intentioned gesture turned to debacle in October 1993 when eighteen U.S. Army Rangers, and as many as 1,000 Somalis, died in a ferocious battle in Mogadishu later immortalized in the movie *Black Hawk Down*.

The American losses, at the hands of Somalis whom we were there only to help, put a lasting chill on this kind of mission and, by extension, others under a UN banner.

Somalia, however, turned out to be the least in a string of disasters for the U.S., the UN, and relations between the two. Hot on the heels of Mogadishu there unfolded the world's first indisputable case of genocide since the Holocaust. In the spring of 1994, even without the benefit of the Nazi technology of murder, Hutus in Rwanda slaughtered their Tutsi countrymen (along with moderate Hutus) at a pace that rivaled Hitler's killing of Jews.

Not only did the UN stand aside as these unspeakable events occurred, but a small UN force that was already on the scene to enforce an earlier peacekeeping agreement was pulled back lest anyone in a blue helmet perish alongside the intended victims. The U.S. government, determined to avoid anything that smacked of a replay of Mogadishu, did more than its share to block any action by the Security Council that could put an American soldier in harm's way. Years later, Bill Clinton offered the most grudging of apologies. "The international community," he said, "must bear its share of responsibility for this tragedy." He did not bring himself to acknowledge that, in this instance, "the international community" was first and foremost himself.

If the U.S. bore blame for the Rwanda catastrophe, the UN covered itself in shame. Although it is often said that the UN is nothing more than the sum of its member states, this is but a partial truth. Collective or derivative bodies take on lives of their own. The Secretary General of the United Nations is a major world figure, commanding a budget of $3 billion and a staff of some 15,000. Key members of this formidable apparatus, it was eventually revealed, had been forewarned of the Rwanda genocide months before it began.

General Roméo Dallaire, the Canadian commander of the UN force stationed there, had relayed reports that Hutu extremists were stockpiling weapons and training for a campaign of "extermination." Dallaire proposed to seize the weapons in the hope of disrupting the plan. His message was received by the UN's Department of Peacekeeping Operations with alarm—not at the prospect of genocide, but at the prospect that Dallaire might do something risky to prevent it. Clear orders were dispatched vetoing Dallaire's proposed intervention. "The overriding consideration," they read, "is the need to avoid entering into a course of action that might lead to the use of force and unanticipated consequences."

Even after the killing began, Dallaire "could have easily stopped" it, he claimed, with the forces already

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at his disposal plus several hundred others who were readily accessible. But his orders remained otherwise. As recounted in a new book by Dore Gold, Israel's former ambassador to the world body, "the UN told Dallaire simply to focus on evacuating foreigners from Rwanda. Dallaire told officers that he had received orders from UN headquarters in New York that no Rwandans were to be rescued: 'Orders from New York: no locals.'"*

Reprehensible as was the UN's part in the Rwanda calamity, it was still worse in the grim events that unfolded in Bosnia-Herzegovina from 1992 through 1995. Both the member states and the secretariat shared in the culpability. The Security Council responded to the first inkling of trouble by imposing an arms embargo. Although the embargo applied to both sides, its consequences were disparate. The Serbian aggressors who were out to "cleanse" Bosnia of its Muslim plurality were hardly affected; they had at their disposal the formidable arsenal of the Yugoslav army. Their victims, however, were short of weapons, and the embargo contributed to their helplessness. Adding insult to injury, Secretary General Boutros-Ghali dismissed their plight as a "rich man's war."

As the war ground on, the top UN officials on the scene—Yasushi Akashi, the Secretary General's civilian representative, and Generals Michael Rose and Bernard Janvier, successive commanders of the UN peacekeepers—exhibited greater sympathy for the Serb aggressors than for their Muslim quarry. The best construction one can put on this is that they wanted an end to the conflict at any price, and the shortest path they could see to such an outcome was for the weaker party to surrender. At a press conference in April 1994, Akashi and Rose denounced America's moral support for the Muslims because it "emboldens [them] to fight on." Then Rose added, in reference to Muslims living in the towns of Gorazde, Srebrenica, and Zepa, which had been formally declared "safe areas" by the Security Council: "their only option is to move out or submit to living under Serb rule."

Rose's chilling words were an almost open invitation to what transpired a year later, when Serbian forces overran Srebrenica and some 5,000 to 10,000 Muslim men were rounded up and exterminated, the worst atrocity in Europe since World War II. The UN forces assigned to guard the Muslims of Srebrenica walked away, abandoning them to the slaughter. While the number of dead was far smaller than in Rwanda, the UN's guilt was in one respect even greater. As Gold points out, many of the Muslim victims had fled *to* Srebrenica, having been encouraged to take refuge in the six "safe areas" that the UN proclaimed to be under its protection. The organization had, in effect, gathered them for the kill.

THE STORIES of Somalia, Rwanda, and Bosnia have been told before. In *Tower of Babble*, an exceptionally valuable and timely book, Gold brings them together into a single narrative. His account of Srebrenica is particularly well done, including details of casual fraternization between UN peacekeepers and the Serbian mass murderers whom they failed to deter. But what is especially interesting is that Gold relates these failed peacekeeping missions to an underlying and more comprehensive abdication that he traces back to the UN's earliest years.

By design, the organization, which grew out of the anti-Axis coalition of World War II, was supposed to take sides with victims against aggressors. But from the start, it has inveterately refused to do so.

The first tests came in 1948. One was the openly announced attack by the nations of the Arab League on the infant state of Israel, at whose birth the UN itself had played midwife. Although the aggression and its annihilating intent were undisguised, the UN did not condemn it. Rather, it called on "all persons and organizations in Palestine" to "cease all activities of military or para-military nature." A similarly painstaking evenhandedness informed the Security Council's response to the second test of 1948: India's complaint to the UN about a Muslim offensive in Kashmir spearheaded, it said, by infiltrated Pakistani troops.

These precedents of strict neutrality between attackers and defenders made nonsense of the principles on which the organization was founded. But it has been the norm of UN behavior ever since, while the 1991 resistance to the occupation of Kuwait—driven by the steely determination of President Bush and British Prime Minister Margaret Thatcher—has been the rare exception.

As Gold shows, moreover, the failures to enforce peace are part and parcel of a wider failure. Even if it proved unable to muster the military strength to become the bulwark of world order that its founders had envisioned, the UN could have stood as an inspiration, a beacon of right and wrong in the behavior of states. It has, alas, been nothing of the sort.

Exhibit A under this heading, as I and others have

* *Tower of Babble: How the United Nations Has Fueled Global Chaos.* Crown, 320 pp., $25.95.

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rehearsed in detail, is the UN's record in the field of human rights.* The central dynamic is this: those governments that repress and abuse their subjects most viciously are often the most energetic in seeking election to the UN Commission on Human Rights, for the simple reason that membership will make it easier to shield themselves from criticism. Year after year, fully half of the governments that Freedom House cites as "the worst of the worst" human-rights violators secure seats on the body overseeing human-rights abuses. They include China, Cuba, Sudan, Syria, Saudi Arabia, and Libya, which recently held the chair.

At its annual meeting, the commission adopts resolutions of two types. Some are abstract, affirming every imaginable right for every conceivable demographic group. These pour forth in nearly endless profusion; they cost little and are worth little more. The other resolutions criticize specific countries or governments. Almost never does such criticism extend to any of those countries, no matter how brutal, that have won election to the commission.

This holds true for both Left and Right: neither China nor Saudi Arabia has ever suffered a word of censure. Usually, a dozen or so violators are subjected to admonishments that are in most cases mild. For example, on one of the rare occasions that the dictatorship of Fidel Castro has been mentioned, the commission "invited" the government of Cuba, whose "efforts to give effect to the social rights of the population despite an adverse international environment are to be recognized, to make efforts to achieve similar progress in respect of human, civil, and political rights."

Exhibit B in the indictment of the UN's moral turpitude is the differential treatment accorded to Israel. The UN, according to its founding Charter, is "based on the principle of the sovereign equality of all its members." But, to paraphrase Orwell, some states are less equal than others. Until recently, Israel was excluded from membership in any regional caucus, which has meant (under UN rules) that it has also been uniquely excluded from eligibility for a seat on the Security Council or other committees. Even though the United States has now won admission for Israel to the catch-all Western group to which we, too, belong (the so-called Western Europe and Others Group), its membership is attenuated, valid for UN bodies based in New York but not in Geneva, and its eligibility for the Security Council has been deferred for several years.

At meetings of the Commission on Human Rights, where the world's dictators can expect at most a single limp rebuke, Israel is treated in a class by itself, occupying a special item on the agenda. It is the subject of five to eight separate resolutions each year, which castigate it in harsh terms applied to no one else.

UN hypocrisy on human rights reached a kind of apotheosis at the World Conference Against Racism held in Durban, South Africa, in 2001. This brainchild of Mary Robinson, then the UN High Commissioner for Human Rights, devolved into a hate fest against Israel and Jews so coarse that not only the Americans but also the West Europeans, who have a high tolerance for such antics, walked out in protest. The groundwork for the travesty was set months earlier, Gold informs us, at a preparatory meeting that Iran had been permitted to host and from which Jewish, Bahai, and Kurdish non-governmental organizations were blocked, with High Commissioner Robinson's acquiescence.

As with the UN's record on human rights, its egregious discrimination against Israel has likewise been richly documented.† But Gold adds a shocking detail concerning UNIFIL, the UN peacekeeping mission in Lebanon, and Terje Roed-Larsen, the Secretary General's personal representative to the Middle East. In 2000, after Israel's withdrawal from Lebanon, three Israeli soldiers were kidnapped from Shebaa Farms, a small piece of land in the Golan Heights that Israel won from Syria in 1967 but that the terrorist organization Hizballah claims is part of Lebanon. Israeli officials got word that UNIFIL had videotaped the kidnapping. This was denied both by UNIFIL commanders and by Roed-Larsen. Both turned out to be lying. The UN belatedly admitted it had such a tape, which it evidently had not wanted to disclose lest it aid Israel in tracking down the kidnappers. The three soldiers are now believed to have been murdered.

As if this were not bad enough, the tapes were of special significance because, as Gold relates, "there was reason to believe that Hizballah [itself] had posed as UN peacekeepers to kidnap the soldiers":

> Near the area of abduction, UNIFIL found two abandoned vehicles with suspicious contents. The first, a white Nissan Pathfinder that could easily look like a UN vehicle, contained imita-

* See, for example, my "The UN on the Loose," Commentary, July 2002.

† A recent comprehensive treatment is Anne Bayefsky's "The UN and the Jews" in Commentary, February 2004.

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> tion UNIFIL license plates, a UN flag, UNIFIL uniforms from the Irish battalion, and UN stickers. The other was a blue Range Rover, the rear of which was smeared with blood.

Finally, the overweening animus toward Israel has gone hand in hand with still another egregious moral failing—namely, the UN's complicity in legitimizing terrorism, not only against Israel but against the democratic West, especially the United States. Gold cites a 1970 resolution of the General Assembly in which the UN affirmed "its recognition of the legitimacy of the struggle of the colonial peoples and peoples under alien domination to exercise their right to self-determination and independence by all the necessary means at their disposal." He comments cogently:

> This was a historic shift . . . and it occurred at a time when international terrorism was on the rise, with the world facing a new wave of airplane hijackings. The UN's new position could only be understood by those who regarded themselves as "national-liberation movements" as a license to commit murder in the name of the cause of self-determination.

On subsequent occasions, the General Assembly reaffirmed this doctrine, and in recent years it has been endorsed annually by the Commission on Human Rights. Palestinian—and now, it would seem, Iraqi—suicide bombing is thus validated as nothing less than an exercise of human rights. So routine has this macabre affirmation become that an overwhelming majority of the European Union members that sit on the commission vote for it each year. In a like vein, when Kofi Annan managed to propose a new convention against terrorism in the wake of 9/11, his efforts were beaten back by the Organization of the Islamic Conference, which insisted it would condemn "terrorism" only if it were defined by the objectives of the perpetrator rather than by the nature of the act.

IT WAS in the light of similarly gross derelictions of reason and decency during the years of the cold war that the late Daniel Patrick Moynihan, speaking soon after stepping down as U.S. ambassador to the UN nearly three decades years ago, described the body as a "squalid circus," and wondered aloud how long we could bear to remain a part of it. Now Gold brings us face to face with the reality that, even with the passing of the Soviet Union, the UN's moral failings have not much diminished.

Are there nevertheless grounds for hope? In December, the UN's own High-Level Panel on Threats, Challenges, and Change will bring forth its recommendations. In appointing the panel last year, Annan charged it with proposing reforms, even "radical reforms." But its composition, which includes Brent Scowcroft, former Russian Prime Minister Yevgeny Primakov, Arab League chief Amr Moussa, and other, similar venerables, makes it an unlikely vehicle for any such mission.

This is, indeed, the fifth major reform initiative since Annan became Secretary General in 1996. It follows by less than a year the appointment of a Panel of Eminent Persons on United Nations-Civil Society Relations. This in turn followed the Secretary General's own program of reform in 2002 and the Millennium Summit of September 2000, whose report was similarly concerned largely with reform. All of these were preceded by a 1997 program for reform proposed by Annan and adopted by the General Assembly in December of that year. Setting aside questions about Annan's personal devotion to the task, the reform process under his tenure has proved predictably ineffectual.

Nor did the process begin with Annan. His predecessor, Boutros-Ghali, sponsored at least two major reform panels. Indeed, as Edward Luck has pointed out, even "before the UN could hold its first meeting, a number of states were already calling for its reform." But then Luck, a leading academic authority on the UN and a former president of the United Nations Association, adds:

> Does the déjà-vu nature of UN reform suggest that nothing changes or that reform is bound to fail? Not at all; indeed it could be argued that change is one of the few constants in the UN system. It incessantly has to adapt to an evolving mosaic of demands, priorities, and initiatives. . . . And few institutions are so fond of producing or coopting fresh conceptual and doctrinal approaches to addressing the world's problems.

As against this cheery assessment, one must ask where the tangible gain from all the UN's "fresh conceptual and doctrinal approaches" is to be found. In what ways has the organization improved? Annan himself, however comfortably he may wear the mantle of reform, can legitimately be seen as a symbol of much that is wrong with the institution. He is, after all, the quintessential product of the UN bureaucracy, the first Secretary General to have risen to his post through the ranks rather than winning it for his political standing in his own country.

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The UN system is secretive; mechanisms of accountability are few. The officers are beholden to no public constituency, and, thanks to diplomatic immunity, subject to few laws. Hence, advancement need not be predicated on success. Annan acceded to his current eminence from the position of head of the UN's office of peacekeeping during the calamitous 1990's. As Philip Gourevitch has summarized the record:

> [M]any of the newer missions were in countries where there was no real peace to keep: Cambodia, Somalia, the former Yugoslavia, and . . . Rwanda. With the exception of the mission to Cambodia, which was able to claim a deeply compromised success before it withdrew, all of these operations would meet with catastrophe on Annan's watch, at the end of which he was elevated to Secretary General.

As the avatar of the UN system, Annan embodies its attitudes, including the tilt against Israel. Roed-Larsen, the man who lied about the UNIFIL videotape of the Shebaa Farms abduction, was Annan's personal representative in the area. Roed-Larsen is also the man who declared after the "Jenin massacre" in 2002 that "Israel has lost all moral ground in this conflict"; a later UN investigation acknowledged that there had been no massacre. Annan himself has denounced Israel's "illegal occupation" of Arab territories, although under no reasonable interpretation of the governing Security Council resolutions is Israel obligated to evacuate the territories in the absence of peace agreements with its neighbors, which those neighbors have refused.

As for the legality of America's war in Iraq, this is a subject about which reasonable people may differ; but Annan's own contribution to the events that led to the war ought to disqualify him for judgment. When, in 1998, Saddam Hussein first moved to eviscerate the UN programs inspecting his efforts on weapons of mass destruction, it was Annan who interceded by means of a personal mission to Baghdad to rescue the Iraqi dictator from military strikes that the Clinton administration was preparing. "I can do business with him," Annan said of Saddam then. At almost the same time, Annan secured a vast expansion of the UN's oil-for-food program, from which it now appears that Saddam skimmed some $10 billion and the UN itself reaped a hefty commission. Had Saddam's intransigence not been encouraged in these ways by Annan, there is at least a chance that war with Iraq might have been avoided.

Annan is also a master of the method of moral equivalence that Gold places at the heart of the UN's failure. His approach was on display in his speech opening the current General Assembly. Warning that "the rule of law is at risk around the world," Annan made reference first to Iraq, where, on the one hand, "we see civilians massacred in cold blood" and, on the other, "we have seen Iraqi prisoners disgracefully abused"—as if the two depredations were of equal seriousness and as if the American legal system was not already prosecuting those guilty of the Abu Ghraib abuses. He also equated "civilians, including children, deliberately targeted by Palestinian suicide bombers" with "needless civilian casualties caused by Israel's excessive use of force," and he denounced "hate propaganda directed at Jews [and] Muslims" as if the current of anti-Semitic filth that fills the pages of the Arab press, and that sometimes seeps into UN functions, had any comparable anti-Islamic analogue.

If Annan himself is an improbable figure to cure what ails the UN, his High-Level Panel is unlikely even to address the subject. The panel will almost certainly focus on a single issue: the composition of the Security Council, which many countries want expanded so that they will have more opportunity to sit on it. Germany, Japan, India, and Brazil are pushing to become permanent members, holding a power of veto like the current "permanent five." Whatever the merit in these demands, they all center on the wish of countries to gratify their own prestige. None of the formulas currently being discussed even pretends to address the utter failure of the Security Council to play its intended role of defending the peace. To the contrary, all of them, if enacted, are certain to make the problem more acute, since any expansion (especially with veto power added in) will make an already unwieldy body thoroughly paralytic.

Independent observers seeking to cure the UN have focused less on structure than on politics, urging the formation of a caucus of democracies within the UN; the idea boasts some supporters in the American government, including in Congress. Such a caucus might serve to overcome the rank hypocrisy with which the body addresses human rights, and it might conceivably weaken the stranglehold that the retrograde "Non-Aligned Movement" holds on the General Assembly and other bodies. For his part, Gold calls this proposal "only a partial solution." He urges a more radical

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step, namely, the creation of a Community of Democracies as a *substitute* for the UN rather than as a caucus within it.

Perhaps a community of this kind would escape the pitfalls that have dogged the UN, but any move along these lines is a long way off. In any case, although other world democracies have been willing to attend large conferences of democracies, they have shown precious little interest in joining any UN caucus that would take the place of sub-groups in which they already participate to their own parochial advantage.

In the here and now, the world is thus left to face the choice embodied in the two contrasting figures who stood out at the opening of this year's General Assembly. One offers the image of a world in which the United Nations acts as the supreme political arbiter, the other an image of a world shaped by American leadership.

In terms of the prospects for peace, the alternative is stark. For nearly 60 years, the UN has proved an abject failure at safeguarding "international peace and security" (in the words of the Charter). It has in fact scaled back its ambitions to mere "peacekeeping," a specialized term that refers narrowly to policing internal conflicts. And even this has been diminished to policing such conflicts only *after* they have already been resolved. As Annan himself has put it: "Peacekeepers must never again be deployed into an environment in which there is no cease-fire or peace agreement."

Still, the world has known a large degree of peace since 1945, which it owes not to the UN but in large measure to American action. Through NATO, Europe has been at peace. Thanks to America's alliances with Japan, Australia, South Korea, and Taiwan, there has also been a measure of peace in Asia. As for the Middle East, an obvious exception, it would have been even more turbulent had America not deterred aggressors from preying on Jordan, Israel, Saudi Arabia, or the weak but rich sheikdoms of the Persian Gulf. In Latin America, which has been mostly calm for reasons having little to do with the U.S., America has suppressed and constrained radical elements that have sought to roil the waters.

Only twice in these six decades has the UN acted to turn back a breach of the peace: Korea in 1950 and Kuwait in 1990-91. On both occasions, the Security Council acted not through the peace-enforcing machinery spelled out in the Charter but by giving the United States a writ of authority to do the job.

The implications of this are clear. A world left to the UN as supreme arbiter would not be the world of law of Kofi Annan's incantation. It would be the opposite: a world of lawlessness. Nor would a United States that had been induced to yield to the superior majesty of the UN be replaced by an equivalent force for good, and certainly not by the UN itself. Instead, the peace we have known since 1945 would crumble.

True, no UN rule or regime could stay America from defending its own territory and citizenry. But numerous weaker nations whose security America has linked to its own would pay dearly for the wistful dream of a parliament of man, a dream that the sordid reality of the UN has turned into a mockery. And for this, in the end, America would surely suffer as well.

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Telling the Story of America's Jews

David Gelernter

THIS YEAR marks the 350th anniversary of the American Jewish community: in September 1654, 23 Sephardi Jews arrived in New Amsterdam from Recife, Brazil. The usual celebrations have been laid on, from reenactments to museum exhibits—the Library of Congress has mounted a lavish show—to concerts to books. Two of the year's history books stand out for ambitious breadth—*American Judaism: A History*,* by the well-known historian Jonathan Sarna, and Hasia Diner's *Jews of the United States, 1654-2000*.†

Both of these (approximately competing) histories have something to offer: they are comprehensive and wide-ranging, and each author tries to say something definitive about the meaning of the American Jewish experience. Naturally, each has its faults, and those faults tend to reflect the faults of the American Jewish community at large.

IN SOME ways, Jonathan Sarna's *American Judaism* is a masterpiece, the product of decades of study and writing. It will be indispensable to anyone who cares about the topic. Sarna's approach is chronological, organized around the big events in American (not Jewish-American) history. There are chapters on the colonial Jewish community, the Revolutionary War period, and so on. The modern periods get far more pages than earlier ones, which is only natural: modern times are far more crowded and better documented.

Sarna's organization seems obvious but is in fact a small stroke of genius. Of the three parts of Hasia Diner's book, the first and third are chronological, but the second consists of three parallel retellings of the period 1820-1924—an era with no meaning in itself for American history. The year 1820, Diner explains, marked the beginning of larger-scale immigration to the United States and of Jewish expansion westward; 1924 was the year in which the National Origins Act drastically restricted immigration. There is nothing wrong with the scheme in principle, but pulling it off successfully would have required more writerly skill than Diner has. If Sarna's prose is sometimes colorless, Diner's tends to roam aimlessly, like a lost child or dismasted catboat.

The titles of these two books offer clues to the authors' different purposes: Sarna's is about Judaism, Diner's about Jews. So we expect Sarna to treat Judaism in America, Diner to say less about theology, ritual practice, or belief and more about people. Both books meet our negative expectations more successfully than our positive ones. Sarna does indeed leave out plenty of informa-

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* Yale, 512 pp., $35.00.
† California, 437 pp., $29.95.

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tion about people, and Diner tells us relatively little about Judaism. But there are also gaps in Sarna's coverage of religion and in Diner's coverage of people.

SARNA'S DISCUSSIONS of religious issues are usually thorough and sometimes fascinating. He describes (for example) colonial and early-American Jews walking, riding, or paddling great distances to be with their fellow Jews on Rosh Hashanah and Yom Kippur, and he impresses us with the real religious significance (even intense significance) those occasions could have for Jews with virtually no other contact with Judaism. To give us the full flavor of the big bash that Hebrew Union College threw in 1883 for its very first class of graduating Reform rabbis, he produces a photocopy of the evening's menu. It features clams, crab, shrimp, and frogs' legs, and the evening has been immortalized accordingly as the "*treyfa* [unkosher] banquet." The menu's curvaceous and histrionic 19th-century fonts, copious use of French, and overall pomposity help us feel what the occasion must have been like. Sarna sticks (furthermore) with the subject of kashrut in America until the whole complex story has been unfolded from start to finish. Diner says much less about kashrut, and lets fly occasionally with confusing terms like "kosher milk" without explaining them. ("Kosher milk," meaning—milk from cows but not pigs? Guess again.)

But sometimes Sarna lets us down. Isaac Leeser (1806-1868), for example, was a founding father of American Orthodoxy and the author of the Jewish world's first English version of the Hebrew Bible. Sarna tells us all about Leeser. He explains why Jews had religious objections to the King James translation, then standard among American Christians. But at this point a reader wants to *hear* Leeser's translation and compare it with the Christian version; and Sarna quotes not a single verse. Similarly at other points where we are told about path-breaking publications in American Judaism—the 1830 *Sabbath Service and Miscellaneous Prayers*, for example, published by proto-Reform Jews in Charleston, South Carolina. What was it like? What made it noteworthy? We need just a taste, and we don't get it.

This same reluctance to *get inside* manifests itself in Sarna's discussions of today's observant Jews. Do American Jews believe in God? As far as I can tell, Sarna raises the question only once, back-handedly. (A Reform synagogue that has expunged God from its liturgy is refused recognition by the Reform movement.) We do learn that, nowadays, "selected" home rituals engage many American Jews "far more than hoary theological beliefs." Which beliefs are we talking about? Which beliefs do Orthodox American Jews accept but Reform Jews do not? And what exactly is wrong with a belief's being "hoary"? Sarna doesn't say. Elsewhere, we are told that Jewish feminists wanted a "more personal" God than they could find in the "traditional Jewish liturgy." Yet the traditional Jewish liturgy is based on an intensely personal God, known to the prayer-book as "our Father in heaven." Sarna's readers are apt to take away a strange picture of traditional Judaism.

IF SARNA can be disappointing on Judaism, Diner can be likewise on Jews. Not always: it is a pleasure to read her brief but useful discussion of Haym Salomon, the Jew who helped finance the American Revolution, and not be sternly informed that chauvinistic Jews have exaggerated his importance. It is useful to find mid-19th-century Judaism defined as the "age of Wise," a reference to Rabbi Isaac Mayer Wise; a writer goes out on a limb to label an era in this handy way, but it is a service most readers will appreciate. And it is satisfying to come across the Yiddish term *kochalein*—a word familiar to my father's generation for the cut-rate Catskill bungalows where working-class Jews on vacation did their own cooking. The word captures a scene and an era worth remembering.

But elsewhere, Diner fails to deliver. One of the very first incidents in both books is the 1655 argument between the newly arrived Jew Asser Levy and Peter Stuyvesant, director-general of the Dutch colony in North America. Levy demanded the right to stand "watch and ward like other Burghers." Stuyvesant refused. Two years later—speedy service in the 17th century—Stuyvesant was countermanded by his bosses back in Amsterdam, where rich Jews had pull. Sarna's discussion of this important story is brief but good—he does what he can with the meager historical record. Diner's is perfunctory.

Asser Levy's confrontation with Stuyvesant underlines a point too often overlooked: since ancient times, Jews have been natural soldiers. (If you doubt it, read the Bible.) Jews in the U.S. military form, accordingly, a significant and intriguing strand in American Jewish history. Jews fought in disproportionately large numbers in most of America's wars, including the Civil War and the world

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wars. But Jews have also faced anti-Semitism in the military, particularly in the service academies and officer corps—which has sometimes been countermanded by civilian bosses sensitive to Jewish political pressure. The Asser Levy story, over and over.

Many of these themes are interwoven in the 19th-century career of Uriah Levy, captain in the U.S. Navy. At ten he ran away to sea; at twenty he was a naval sailing master. He encountered anti-Semitism but rose through the ranks to become captain of the *Vandalia* and eventually, in 1859, to serve briefly as commodore of the U.S. Mediterranean fleet. He figures in U.S. military history insofar as he led a successful campaign to outlaw flogging in the Navy. He touches American history at another point, too: he acquired, preserved, and at great personal expense refurbished Jefferson's Monticello. (Eventually it was acquired for the public from Levy's heirs.)

In modern times, Jews have been heavily responsible for such cataclysmic military advances as the A-bomb (J. Robert Oppenheimer), H-bomb (Edward Teller), and nuclear submarine (Admiral Hyman Rickover). Sarna, who says nothing about Uriah Levy, has nothing to say about any of these three, either. Diner, who often gives the impression of speed-writing her way through great lists of facts, likewise tells us nothing about Levy, Rickover, Teller, or Oppenheimer. (But she does find room for Clara Lemlich Shavelson, who "organized consumer protests" among the Jewish housewives of Brooklyn in the 1930's.)

Any book about Jews, Judaism, and America should discuss the influence of Jews and Judaism on America in the large. Both Diner and Sarna seem to agree with this proposition, but neither takes the assignment seriously. Consider one small example and one large one.

Judah Benjamin is the rare pre-20th-century Jew who changed American history and has a mandatory walk-on in all serious U.S. history texts. The best is *The Growth of the American Republic* by Samuel Eliot Morison, Henry Steele Commager, and William E. Leuchtenberg (7th edition, 1980). Look up Benjamin there and you will discover that he was "easily the ablest member" of the Confederate cabinet, the member who was "closest" to president Jefferson Davis and a man whose "perpetual smile and imperturbable suavity masked a brilliant mind and sound judgment." But you will not be told that he was a Jew. Stupendously typical: Jewishness and Jewish influence have been written out of nearly all the standard history books.

So we need either Diner or Sarna to help us out. Diner says nothing about Benjamin. Sarna allows him one brief paragraph, plus a fleeting mention in an earlier chapter (and his defective index cites only the fleeting mention). Yet Benjamin was almost certainly the most important Jewish American politician of the 19th century, and his story bears on one of the strange conundrums of American Jewish history: Jews and the American South. The bloodiest outrage in the history of American anti-Semitism was a typically Southern affair—the 1915 lynch-murder of Leo Frank in Atlanta on a phony charge. Yet Jewish communities have flourished in many Southern and near-Southern cities. These are important topics, and Benjamin's career is a perfect chance to introduce them; both authors decline to use it.

Turn now to the larger question of influence, the influence of Jewish ideas. The role of classical Israel in the development of the American mind is a hugely significant story. Where does the modern liberal-democratic state come from? In part from Britain, especially from the 17th-century civil war that set Parliament and the Puritans against the crown, its privileges, and the established church. But that war was itself greatly influenced (via Puritanism) by classical Judaism and the Hebrew Bible. Puritanism can plausibly be read as an effort by modern Christians to transform themselves back into "Jewish Christians" of the New Testament age—and then to reach back even farther to become God's new "chosen people."

If the British civil war was one main engine of modern liberal democracy, America was the other. Here again Puritanism, the Hebrew Bible, and classical Israel played crucial roles. In briefest outline, Puritanism moved the earliest English settlers to seek religious freedom in America; Puritanism and the Hebrew Bible then prepared the way for rebellion and freedom. "The Exodus story came to be seen as predictive of post-biblical national identities," writes the literary scholar David Lyle Jeffrey. "In New England, Samuel Mather's *Figures and Types of the Old Testament* (1673), Cotton Mather's *Magnalia Christi Americana* (1702) [Mather's history of 17th-century New England], and Jeremiah Romayne's *The American Israel* (1795) all illustrate the power of the Exodus story in the formation of American national identity." And as Conrad Cherry notes in *God's New Israel*, "More colonists were prepared for armed resistance by the clergy's Sunday and election sermons and weekly lectures than by the books and pamphlets of a

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Locke or a Paine." In 1776, three-quarters of American citizens were Puritan.

Next, the Hebrew Bible furnished a template for democracy. In 1780, for example, while the fighting was still under way, Pastor Simeon Howard of Boston was already pondering the new nation's government. He decided—on the basis of the Hebrew Bible and the ancient Jewish historian Josephus—that it must be a democratic republic. Howard's advice was as radical as it was straightforward, as avant-garde as it was Bible-centered and godly. "In compliance with the advice of Jethro," he preached in May 1780, "Moses chose able men, and made them rulers [over the Israelites in the desert]; but it is generally supposed that they were *chosen by the people*. This is asserted by Josephus, and plainly intimated by Moses in his recapitulary discourse, recorded in the first chapter of Deuteronomy" (emphasis added). William Lecky, the eminent 19th-century Irish historian (and no Judeophile), knew well what today's historians have largely forgotten: "Hebraic mortar cemented the foundations of American democracy." Freedom and democracy are basic to America. The connection between freedom and the Exodus is obvious; to the mind of America, infatuated with the Bible ("the best book in the world," John Adams called it), democracy, too, was rooted in ancient Israel.

NEITHER SARNA nor Diner deals adequately with these big issues. Sarna does mention the existence of "Protestant depictions of the country as 'God's New Israel,'" but never discusses the topic in depth. He points out elsewhere that in George Washington's famous letter of reassurance to the Jews of Newport, the first President hinted that America might itself "prove something of a Promised Land for Jews." This is a telling detail, but we cannot understand *how* telling unless we know how consistently 17th- and 18th-century American Christians spoke of America as their *own* promised land.

If Sarna says far too little about this topic, Diner says even less. "All the names and deeds of Jewish patriots of the revolutionary era," she writes, "need to be measured against the fact that no Jews signed the Declaration of Independence. None sat through the deliberations in Philadelphia in 1787 that produced the Constitution, and none helped to persuade the voters of the newly independent states to ratify it." Clearly, Diner has not pondered the implications of this statement by Sidney Ahlstrom, the great historian of American religion: "*The Federalist Papers*, . . . as well as John Adams's defenses of the American Constitution, can be read as Puritan contributions to Enlightenment political theory."

Diner is a literal-minded historian for whom "Jewish influence" equals the influence of Jews only, not of Jewish ideas. Both she and Sarna ignore all the evidence showing that classical Israel was distinctly more important than classical Greece or Rome, and arguably more important than even the rationalist philosophers of 17th- and 18th-century Britain and France, to the development of America and of modern liberal democracy. Not for nothing did John Milton, greatest of all Puritan poets, describe Israel's prophets in *Paradise Regained* as "men divinely taught, and better teaching/The solid rules of Civil Government/In their majestic unaffected stile/Than all the Oratory of *Greece* and *Rome*./In them is plainest taught, and easiest learnt,/What makes a Nation happy, and keeps it so."

If historians of American Judaism will not tell this story, who will? Not the mainstream American historians; not Shalom Goldman either, although his new book, *God's Sacred Tongue*,* is a fascinating sidelight on America's obsession with Israel. It tells the story of American Gentiles who, for one reason or another, made the study of Hebrew a part of their intellectual lives.

They were a varied lot. Some studied Hebrew to understand the Jews, some to convert them; some were cosmopolitan scholars, others were pious Christians, others merely colossal bores. But Goldman tells us plenty of interesting facts. The only books that outsold *Uncle Tom's Cabin* in pre-Civil War America were travelogues about Palestine by such authors as the scholar and archeologist Edward Robinson. One of the star attractions at the 1904 Saint Louis World's Fair was "a massive model of Jerusalem's Old City," complete with several hundred Jews, Christians, and Muslims imported from Jerusalem to live in the 10-acre model and help entertain the customers. An ancestral George Bush was professor of Hebrew at New York University in the 19th century.

Goldman reminds us how important the Bible was to President Harry Truman, and what a central role it played in his epochal decision to recognize the brand-new state of Israel in 1948. After he left office, the Jewish Theological Seminary gave Truman an honorary degree. Introduced as "the man who helped create the state of Israel," the former President began his response by saying "Yes, I am

* North Carolina, 352 pp., $34.95.

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Cyrus"—the Persian king who restored the exiled Jews to their homeland in the 6th century B.C.E. (By his own report, Truman read through the Bible seven times during his presidency.) "It was not just American Jews who were stirred by the prospect of a new nation for the Jewish people," Goldman writes, "it was most of America." Well worth pondering.

A DEFINITIVE book on American Jews ought to explain the decisive influence of Jewish ideas on the invention of America. It should also give a clear account of the meaning to the Jewish community of its own recent history—the history many people remember but most have not analyzed or fully assimilated, the history that explains why they are here, and why they are Jews. Once again, neither Sarna nor Diner is wholly satisfactory.

If you wanted to understand modern American Judaism, what events would you choose to watch? Where would you choose to have been a fly on the wall, if someone had offered you an (all-expenses-paid) Fly-on-the-Wallship? I would have chosen one of the public lectures by Rabbi Joseph Soloveitchik of Yeshiva University in the 1950's and 1960's—two hours of legal analysis followed by two hours of homiletical discussion, the atmosphere electric, the intellectual and rhetorical depth extraordinary. Or a talk by Rabbi Shlomo Riskin on some big occasion—the Sabbath before Passover, for example—at his synagogue in Manhattan, which became, in the 1970's, a center-point of modern Orthodoxy. Outside the Orthodox realm, I might suggest a lecture on Midrash by the late Judah Goldin of Yale, the University of Pennsylvania, and other institutions, an important scholar and teacher whose learning covered not only rabbinics but also, it seemed, all of literature.

Sarna tells us about Soloveitchik, even quotes from several of his books, but without explaining what they are all about; Riskin and Goldin never come up. Diner's discussion of Soloveitchik does not even achieve superficiality; she never mentions Goldin; and she makes it seem as though Riskin were mainly noteworthy for his contributions to Jewish feminism.

What else would I want to understand about the recent history of American Jews? The culture of City College in the 1930's. The Jewish community's richly symptomatic reaction to Philip Roth's novel *Portnoy's Complaint* in the late 1960's. (Sarna expounds neither. Diner's comment on City College is that Jews were allowed to enroll there; her discussion of Roth is shallow but better than nothing.) I would want to understand the sociology of yarmulkes (or kippot) and their role as a Jew-to-Jew signaling system; the rise of the vibrant crocheted kippah as a symbol of modern Orthodoxy and its "life cycle" function—if someone knitted you one, she was probably your girlfriend. And I would want to know something about "black hat" yeshivas, and the nature of their dissent from modern Orthodoxy. (Sarna does not touch the topic; once again Diner's discussion is shallow but better than nothing.)

I would want to hear about the tumultuous faculty meeting at the Jewish Theological Seminary in Manhattan, training ground for Conservative rabbis, where the eminent scholar David Weiss Halivni was just barely allowed to speak against the ordination-of-women juggernaut. Here is Sarna's discussion of Halivni: "One distinguished faculty member left the institution for Columbia University." Diner, whose book sometimes reads like an extended bumper sticker for feminism, mentions Halivni but gives him less space than Amy Eilberg, "the first woman to become ordained at the Jewish Theological Seminary."

I would want to hear about the philosopher Eliezer Berkovits (who rates not a word in either book) and the great talmudist Saul Lieberman (who gets a sentence in passing from Sarna). I would want to hear about the preeminent historian Lucy S. Dawidowicz. (Not a word from Sarna. Diner is even worse: her reference to Dawidowicz is brief and misleading.) I would want to read about Ruth R. Wisse, the pioneering critic of Yiddish literature (not a word in either book), and the writer Hillel Halkin (who gets a couple of grudging paragraphs from Sarna), and the novelist and essayist Cynthia Ozick (a name on a list in Sarna), and the charismatic Bible scholar and educator David Silber (nothing in either book). But Sarna does go on for pages about Rabbi Abraham Joshua Heschel and his "poetic" prose. ("To search in the wilderness for wellsprings of devotion, for treasures of stillness, for the power of love and care for man. . . . What is urgently needed are ways of helping one another. . . .")

I would want to know about the developing relationship between Judaism and American political conservatism or neoconservatism. I would want to know the significance of major political thinkers like Norman Podhoretz and Elliott Abrams writing books on explicitly Jewish themes. (Not a word from either author.) Naturally I would want to know about the central role that Jews have played in modern feminism (both Sarna and Diner have plenty to say about that), but I would also be curious about their no less significant role in *anti*-feminism (not a word).

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ABOVE ALL, I would want to know where today's American Jews can look for spiritual leadership. What is Judaism? Why should anyone bother being a Jew? When people ask *me* those questions, I tell them that Judaism is the most important intellectual development in history; the deepest, most passionate, and most beautiful of the great family of Judeo-Christian religions it fathered. I tell them that Christianity itself is an allegorical retelling of Jewish history, that Jews are the senior nation of the Western world, that Jewish ideas were decisive to the creation of modern democracy. I mention the Jewish belief that the House of Israel is God's own presence on earth, and that if (God forbid) the Jews should vanish from this world, God would too.

If these statements happen to catch their attention, the follow-up questions are obvious. Can I point to a book that explains these topics? A synagogue where they are discussed? A school or college where they are taught? An American think-tank where they are under investigation? No, no, no, and no.

Today's American Jewish community resembles Victorian Britain as the philosopher-historian Thomas Carlyle saw it: a community contemplating with narrow indifference the long-ago heroism of its ancestor, the Puritan Britain of the 17th century. Carlyle was unimpressed with Victorian books about Britain's Puritan heritage. "The sound of them," he wrote, "is not a voice, conveying knowledge or memorial of any earthly or heavenly thing; it is a wide-spread inarticulate slumberous mumblement." The same description applies all too often to modern books about Jewish history.

Carlyle was an anti-Semite and a nasty piece of work, but he had interesting ideas. Nowadays we tend to dismiss his doctrine of "hero worship" as meretricious and silly. Yet he wished, above all, for modern Britons to *rejoice* in their heroic past, not just catalog it. Their history should move and inspire and enlighten them. "It is with Heroes and god-inspired men that I for my part would far rather converse," Carlyle wrote. And regarding the Puritan past: "At bottom, perhaps no nobler Heroism ever transacted itself on this Earth."

American Jews ought to have the courage to say the same thing about their own history. They ought to see Carlyle's bet and double it (at *least*). Enough slumberous mumblement. When will it be time for inspiration?

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Have We Overcome?

Abigail Thernstrom & Stephan Thernstrom

Is America still "segregated"? In our deeply divided national conversation on race, the question endures, and it was raised again last spring by the 50th-anniversary celebrations of *Brown* v. *Board of Education*. Did that landmark decision by the Supreme Court promise much and deliver little?

The ruling itself spoke only of segregation in the nation's public schools, but its potential sweep was unmistakable. Officially sanctioned separation of the races, the Justices wrote, had the "detrimental effect" of "denoting the inferiority of the Negro group," generating "a feeling of inferiority as to their status in the community." The logic of the decision, if not its words, was thus pertinent to the entire Jim Crow system, from water fountains to hospitals and bus systems, and was indeed rapidly extended to other spheres of public life in the South. The Justices had no magic wand with which to eliminate racism, of course, but in *Brown* they had declared, in effect, that racial inferiority was an idea whose time was up.

It is easy to forget how far we have come over the past 50 years. When *Brown* was decided, there was no interracial contact at all in the schools of the South, the region where most African-American children lived. Even ten years later, only a little more than 1 percent of black public-school students in the eleven ex-Confederate states had any white classmates. But state-sanctioned segregation did come to an end. No American child still attends a school that is legally restricted to other pupils of the same race. No state laws send the message (as Justice John Marshall Harlan witheringly put it, dissenting in *Plessy* v. *Ferguson*, the 1896 precedent overturned by *Brown*) that African-Americans "are so inferior and degraded that they cannot be allowed to sit" with whites. Today, the typical black youngster attends a school that is only about half-black—an extraordinary change in a half-century.

Or is it? The most curious aspect of the anniversary of *Brown* last spring was the hand-wringing that accompanied so much of the celebration. Paul Vallas, Philadelphia's education chief, lamented that "we're still wrestling with the same issues" today as in 1954. *Newsweek* opined that "*Brown*, for all its glory, is something of a bust." For the Harvard law professor Charles Ogletree, "the evil that *Brown* sought to eliminate—segregation—is still with us." His verdict was shared by the *Washington Post* columnist Colbert King. "Segregation has found its way back—if, indeed, it ever left some schools," he wrote. "To be sure, today's racial separation is not sanctioned by law. But in terms of racial isolation, the effect is much the same."

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THE CHARGE that our schools, in particular, remain segregated—or have been "resegregated"—rests heavily on the work of the social scientist Gary Orfield and his colleagues at Harvard's Civil Rights Project, whose findings are regularly and uncritically reported in the media. In his most recent report, *Brown at 50: King's Dream or Plessy's Nightmare?*, Orfield concedes that legally enforced, de-jure segregation has disappeared, but, he argues, the effect of the constitutional victory has turned out to be small.

Using data from the National Center for Education Statistics, Orfield has created an "index of exposure" to measure the extent to which minority students now attend school with white classmates. The findings alarm him. In 2001-02, the typical black youngster attended a school that was 54-percent black and just 31-percent white, with other minorities making up the remainder. The results for Hispanic students are much the same: Hispanics typically form a majority and whites constitute just 28 percent of their classmates. By Orfield's reckoning, the level of "segregation" in the nation's schools has returned to that of 1968. For America's minorities, Martin Luther King, Jr.'s dream of equality has become, it would seem, a "nightmare" from our racist past.

To understand what the argument is about, we have to recall that, whatever larger implications might be drawn from the *Brown* decision, de-jure segregation was the sole issue it addressed and the only practice that the Court found to be unconstitutional. Indeed, five years after the ruling, Jack Greenberg, a key aide to Thurgood Marshall, who had argued the case for the NAACP Legal Defense Fund, acknowledged this in declaring that if there were "complete freedom of choice, or geographical zoning, or any other nonracial standard, and all the Negroes still ended up in separate schools, there would seem to be no constitutional objection."

By the early 1960's, however, the priorities of liberal opinion-makers had begun to shift. Ending legally enforced segregation was not enough, they maintained. Black students had the right to attend an "integrated" school—that is, one that included a proper proportion of whites. The Supreme Court has never accepted this view, but in many quarters it is now the firmly established conventional wisdom.

What then is the "right" proportion of whites? According to Orfield's index of exposure, a "segregated" school is a so-called "majority-minority" school—that is, one in which more than half the students are non-whites. Orfield's measure is not the one used by most social scientists who study the distribution of different racial and ethnic groups in schools, occupations, and housing. The standard measure is known as an index of dissimilarity or imbalance. It does not ask whether there are "enough" whites in a particular school—"enough" being defined by Orfield as more than 50 percent—but looks instead at the school's racial composition in relation to the wider community. Thus, if the school population in Boston is 15-percent white and 48-percent black, and that is also the rough proportion in every school, there is no cause for concern, even though the white percentage in each school is small.

By this standard (which has its own problems, as we shall see), blacks and whites are integrated in our public schools as never before. A recent study by the Lewis Mumford Center at the State University of New York in Albany found that in districts with a black school population of at least 5 percent, the index of imbalance dropped dramatically between 1968 and 1990. Even in the 1990's, a decade when many court-ordered desegregation plans came to an end, the index rose by only a single trivial point.

Indeed, the Mumford Center found that the news was encouraging even by Orfield's index. In 1968, the average black student attended a school that was 19-percent white; in 2000, the figure was 29 percent. Although there was a slight decline during the 1990's, this was caused by the huge influx of Hispanics and Asians, which reduced the proportion of whites in the public-school population. In fact, the real news is the steady increase in the percentage of non-whites with whom *whites* attend school. If blacks and Hispanics were a bit less likely to attend majority-white schools in 2000 than in 1990, the same was true of whites.

THE DEMOGRAPHIC reality behind these trends is hardly a secret. As Orfield's Civil Rights Project itself showed in a recent report, white enrollment in 2000-01 for 25 of the 26 largest urban school districts averaged a mere 17 percent. Today, the Los Angeles Unified School District is 71-percent Latino, while a mere 10 percent of its students are white. Whites make up only 17 percent of the public-school students in Philadelphia, 15 percent in New York City, 11 percent in Miami, 10 percent in Chicago and Houston, 8 percent in Dallas, and 4 percent in New Orleans and Detroit.

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Entire states have also seen a striking drop in the white population of their schools. Hawaii, where barely a fifth of public-school students are white, is the extreme case. But only about a third of California's pupils are white, and whites are a minority in Louisiana, Mississippi, New Mexico, and Texas. By the end of the decade, Arizona, Florida, Nevada, and New York are likely to join the list. About a third of America's public-school students live in states where minority children are, or soon will be, the majority.

When *Brown* was decided 50 years ago, Hispanic children were no more than 2 percent of the nation's school population; that number has now grown to 16 percent. Today, a third of all American students are black or Latino, and they are concentrated in our big cities. To call schools "segregated" because they reflect these demographic facts, thereby suggesting no difference between New York in 2004 and Mississippi in 1960, is an egregious misuse of the term.

But a deeper question is whether even the conventional measure of racial "balance" is an appropriate way to gauge racial progress in education. Should we really expect every school in a city to reflect that city's overall racial composition? In a footnote to *Brown* concerning implementation, the Justices told the contending parties to devise plans that, while eliminating segregation, still respected "the limits set by normal geographic school districting." But unless every neighborhood has the same racial composition—a pattern that no American city even approximates—drawing "normal geographic" districts will inevitably produce schools in which one group or another is disproportionately represented.

On the subject of such residential "segregation," the rhetoric of liberal critics has been, if anything, even uglier and more irresponsible than on the question of schooling itself. Thus, a widely cited sociological study of contemporary urban neighborhoods published by Harvard only a decade ago bears the lurid title, *American Apartheid: Segregation and the Making of the American Underclass*. Other recent books that convey the same message include *Residential Apartheid: The American Legacy; Apartheid in an American City;* and *Apartheid, American-Style*.

There is no denying that American blacks often live in their own residential enclaves, especially in our big cities. But the same is true of whites and of every other racial and ethnic group—Jews, Chinese, Cambodians, Cubans, Arabs. Such racial and ethnic clustering means that a third of non-Asian minorities attend schools that are less than 10-percent white. And even though whites constitute just over 60 percent of the nation's schoolchildren, the average white student goes to a school that is 80-percent white.

But why should we expect identical proportions of blacks and whites to live in each and every neighborhood? People like to live near others with whom they identify, and the schools mirror their choices. When asked about their residential preferences, only about 5 percent of blacks said they wished to live on an entirely or almost entirely white block. The vast majority preferred neighborhoods that were half or more than half African-American—in other words, neighborhoods in which the black concentration was "disproportionately" high. According to the 2000 census, this happens to correspond closely to the actual distribution of black city-dwellers.

IN A complex, heterogeneous society, it is only natural that people should sort themselves out in urban space along lines of race as well as of religion and social class. This pattern was firmly established in the U.S. by the European immigrants who landed in the cities of the North in the 19th and early 20th centuries. The sociologists who studied these settlements recognized the important social functions served by "Little Italies" and "Poletowns."

The history of America's black "ghettos" is, of course, another matter—at least in part. If residential clusters of immigrants long reflected the preferences of the immigrant groups themselves, concentrations of blacks were largely the result of the determination of whites to exclude them. Among the tools used to achieve this end were covenants that restricted the rental and sale of property, "gentlemen's agreements" among real-estate agents, and harassment of blacks who moved into white neighborhoods.

Even so, however, brute exclusion was never the entire story. In some measure, black migrants from the South (like Europeans from abroad) were choosing to live in sections of cities like Chicago where other blacks, who had arrived before them, were residing. They found apartments where their kin or friends lived and where they felt culturally at home. Nevertheless, most social scientists at the time resolutely dismissed the possibility that American blacks made residential choices based on cultural comfort.

This was part and parcel of a larger syndrome: many scholars rejected the very idea that American blacks possessed a distinctive, positive identity of their own. In his classic 1944 treatise, *An American Dilemma*, the Swedish sociologist Gunnar Myrdal spoke for much of the liberal and academic elite

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when he contended that "American Negro culture" was simply a "distorted development, or a pathological condition, of the general American culture."

In an unpublished review of *An American Dilemma*, the black writer Ralph Ellison sharply attacked Myrdal. Can a people "live and develop for over 300 years simply by *reacting*?" Ellison asked. "Are American Negroes simply the creation of white men, or have they at least helped to create themselves out of what they found around them?" And he concluded: "Much of Negro culture might be negative, but there is also much of great value, of richness, which, because it has been secreted by living and has made their lives more meaningful, Negroes will not willingly disregard."

In the 1940's, when Myrdal and Ellison were writing, the balance between residential choice and residential coercion was still heavily tipped in the direction of coercion where blacks were concerned. By the 1960's, scholars and civil-rights spokesmen began to recognize the distinctive culture of American blacks and to see them as agents shaping their own future. At the same time, the racial attitudes of whites were changing dramatically. In a 1942 Gallup poll, only 36 percent of whites had said that it "would not make any difference" to them if "a Negro with the same income and education as theirs moved into their block." In 1956, the figure was up to 53 percent, a bare majority. By 1966, it was 71 percent, and by 1972 a remarkable 85 percent. It was this shift in opinion that made possible, among other things, the Fair Housing Act of 1968, with its powerful sanctions against discrimination in the real-estate market.

With the advent of more tolerant racial attitudes and tough civil-rights laws, the racial integration of neighborhoods rose dramatically. Blacks have moved to suburbia at an even more rapid pace than whites. In 1960, a mere 15 percent of African-Americans lived in the suburbs; today the figure is 36 percent. As a proportion of the total suburban population, the black share has nearly doubled over these years, and now stands at almost 9 percent—surprisingly close to proportionality for a group that constitutes only 12 percent of the American population.

Moreover, neighborhoods in our cities and suburbs have become far more racially mixed than they were only a few decades ago. Between 1960 and 2000, the proportion of blacks living in census tracts that were over four-fifths black fell from 47 percent to just under 30 percent. Equally striking, over the same period the proportion residing in black-majority tracts dropped from 70 to 50 percent. Half of all African-Americans now live in census tracts in which they are a *minority* of the inhabitants.

In short, blacks are no longer a uniquely stigmatized racial minority. They are becoming, in important respects, just another American ethnic group (as the widespread embrace of the hyphenated term "African-American" suggests). To be sure, average black family income is lower than that of whites and Asians. Nevertheless, the persistence of predominantly black neighborhoods is no more surprising—or troubling—than the clustering of Jews in, say, Brooklyn, or of Chinese in Chinatown.

WHEN REPORTERS, activists, and social scientists describe today's urban landscape as "segregated," they imply that a high concentration of blacks or Latinos—unlike high concentrations of other groups—diminishes the quality of life in these communities. Douglas S. Massey and Nancy A. Denton, the authors of *American Apartheid*, argue that the current level of racial clustering in urban neighborhoods "systematically undermines the social and economic well-being of blacks in the United States."

Can this be true? Is race itself the deciding factor in the problems of these communities? Does the same analysis extend to heavily black suburbs like Prince George's County, Maryland—settings to which high-income blacks, with plenty of choices, have eagerly gravitated? Many well-meaning liberals still find it impossible to see anything but discrimination when black families are not randomly distributed across the residential landscape. But there is nothing wrong with racial and ethnic enclaves—indeed, there is much that is right with them—so long as blacks are no longer barred from neighborhoods in which they would prefer to live.

Similarly, labeling schools with few whites as "segregated" implies that learning there is likely to be compromised. Although total racial isolation as a way of life is highly undesirable, the racial mix in a school does not determine the quality of the children's education. Those who repeat the charge of segregation like a mantra seem to believe that the central problem with urban schools is that they are not white enough—a conviction that itself should cause some discomfort within the civil-rights community. As Justice Clarence Thomas wrote in a 1995 desegregation decision, "It never ceases to amaze me that the courts are so willing to assume that anything that is predominantly black must be inferior."

Why advocates would continue to resort to the rhetoric of segregation is not difficult to under-

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stand. It makes good tactical sense. The word's connotations are so invidious as to bring an air of legitimacy to any action that can be sold as addressing the problem. It makes argument unnecessary, and it stifles debate.

For much of the past generation, the opponents of "segregation" in our schools placed their hopes on the policy of court-ordered busing. Today, that policy having proved a disaster, they have no serious remedies to offer for the alleged scourge they identify. They know that most schools in our big cities will remain "majority-minority" into the indefinite future. And so, their aim is simpler: to stir white guilt, in the hope of extracting additional funds for pet causes like smaller class sizes and more generous teacher contracts. If they cannot find more whites to "integrate" the schools, more money will suffice.

IT HARDLY needs saying that all is not well in the schools that black and Hispanic children attend, whether in inner cities or in affluent suburbs. The racial gap in academic achievement has become the most important source of ongoing racial inequality. Equal skills and knowledge mean equal earnings, and the typical black or Hispanic youngster is leaving high school with junior-high-school skills. But to invoke "segregation" as the cause of this gap, when it plainly is not, is to provide just one more excuse for the cultural and educational failures at the root of this problem—and for the schools that fail to confront them.

Those who recall what life was like for blacks in the Deep South before *Brown* v. *Board of Education* and the 1964 Civil Rights Act should be outraged by the equation of racial imbalance with segregation. The black children who broke the color-line in Jim Crow schools—the children who faced white mobs spewing insults and brandishing sticks—showed extraordinary courage in the face of state-sanctioned racism. Advocates of racially balanced schools are not engaged in a remotely similar fight. In claiming otherwise, they not only rob the civil-rights movement of its achievement, but turn our eyes toward the wrong prize—schools that *look* right rather than schools in which children, whatever their color, are truly learning.

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The Philosopher and the Checkout Girl
A Story

Joseph Epstein

EARLY ON a Tuesday morning at Dominick's supermarket on Broadway, Howard Salzman, retired professor of philosophy, emptied his cart onto the conveyor belt in the express line, TWENTY ITEMS OR LESS. "Fewer," he noted to himself, "not 'less.'" He set out six cartons of fat-free Lucerne yogurt in assorted flavors, two bottles of Pellegrino, a half-pound of turkey pastrami, a package of six Bay's English muffins, three Granny Smith apples, four Anjou pears, a loaf of rye bread, and a jar of Poupon mustard.

"Excuse me," the checker said, "you look familiar. Didn't you used to shop at our Evanston store?"

"I did," Salzman said, "the one on South Boulevard."

"I used to work there," she said. "I thought I recognized you." Her nametag identified her as Irene. She was small, dark, with heavy lipstick and thickish auburn hair. She was in a black T-shirt and jeans.

"I believe I remember you, too," Salzman said, not sure he actually did. "Nice to see you again."

"Good to see an old face," she said as she ran his groceries through the scanner. "A familiar face, I mean," she corrected herself, smiling and touching his wrist. She bagged his groceries. He paid, took his change.

"Enjoy your day," she said. "See you again."

"Thanks," he said. "Be well." It was a phrase his father had used regularly; now he was using it all the time. Behind the wheel of his Volvo, before starting the engine, he looked at himself in the rearview mirror. "Good to see an old face," he muttered. The beard he had grown in the early 1980's had come in salt-and-pepper but had long since turned completely white. His eyes, when he removed his glasses, were rimmed in red; his face seemed pallid. "Maybe not so good," he thought, turning the key.

At home, as he put away the groceries, Salzman's thoughts strayed to the woman at the checkout. He did remember her. Fifteen or so years ago he had been in her line at the South Boulevard Dominick's and she, behind the counter, had tears in her eyes. He'd asked her if everything was all right. She answered that she'd be fine in a minute and continued to check him through. His wife Marcia, now seven years dead, may have been with him, but Salzman couldn't recall.

Today Irene looked much the same, maybe a little fuller in the face. She was an attractive woman, in a slightly vulgar way. American life is predicated on progress, Salzman thought, and here this poor woman is still working the same job and clearly not making much. He tried to remember if she'd been wearing a wedding ring.

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Not long after Marcia's death, Salzman had sold their house in Evanston and moved into Chicago, taking a two-bedroom apartment overlooking the lake on Sheridan Road. He used one bedroom as an office, though in retirement he found he really hadn't much need for it.

His specialty had been analytical philosophy. Once he had found it elegant and exciting to work out the subtle language games and problems the field presented; it was like playing a form of high-speed verbal ping-pong with A.J. Ayer or J.L. Austin, even if he was finally unable to score any points against them. Today it seemed to him arid and empty. Analytical philosophy encouraged his detachment, which was probably the last thing he needed.

As he headed toward his 70th year, the tempo of Salzman's days was *adagio molto*. He awoke early, usually around 6:00, wrote in the diary he had kept for nearly 40 years, filling more than 50 notebooks that his daughter Connie would have to get rid of after he died, took his hour-long walk along the lakeshore. Occasionally he would meet a former colleague for lunch before doing his bits of shopping and then cooking and eating his simple dinners while watching the news broadcast on PBS. He read biographies of composers and musicians, the occasional 19th-century novel; went to concerts, mostly chamber music; every once in a while took himself to a play at the Goodman or a foreign movie at the Fine Arts. Days passed without his seeing anyone, but he didn't mind the solitude. If anything, the days seemed to whir by all too quickly.

Salzman didn't miss teaching in the least. Although he had published a number of articles, some of them thought to be important in their day, and although he held a named professorship—the Edward Padnos chair—he didn't kid himself that anything he had done in philosophy was likely to be remembered. He was finally just another kibitzer, staring in at the edge of the crowd. The only colleague whose company he had genuinely enjoyed was a working-class Englishman named Paul Wilson, a specialist in German philosophy who had a strong taste for harsh statement, and who died the year after Marcia.

Marcia he did miss. She had been a good wife, though he came to recognize this rather late. She had put up with his brooding nature, his penchant for sequestering himself in his home office for days at a time. She had bravely gone through the horrors—mostly boredom, he supposed—of being an academic wife. It was she, really, who did all the work of raising Connie, their only child; she was broken-hearted when, after her divorce, Connie announced she was moving to Seattle with her two young children. Marcia died of breast cancer, metastasized, in less than a year, to the brain.

Permanently settled in Seattle, Connie now taught mentally handicapped children in the public schools. At first Salzman had traveled three times a year to visit his grandchildren, but as they grew older and seemed less in need of his attentions, he cut the trips down to twice and then once a year. Connie, no great beauty, was, Salzman thought, unlikely to remarry.

For himself, remarriage was something he had never considered. He saw no women after his wife's death. Some men, Salzman thought, seemed to regard themselves always as husbands; he had begun to wonder whether he, married for nearly 40 years, wasn't one of nature's true bachelors. Through much of his life with Marcia, he now felt with a stab of guilt, he had been an absentee husband and father even while, technically, never leaving the premises.

He also figured himself for a low-libido type. During the late 1960's and early 70's, when his colleagues were jollily bonking (the phrase was Paul Wilson's) their students, Salzman steered clear. Now he had lived into the age of Viagra, when men in their eighties were walking around with grins on their faces. But during his marriage and afterward he had felt no strong need to pursue women. "The screwing I get," Paul, a lifelong bachelor, would intone in his harsh working-class accent, "ain't worth the screwing I get." Paul was also fond of quoting the poet Philip Larkin to the effect that sex was too good to share with anyone else. Salzman took this to heart. The truth was that he had long since ceased to regard himself as being of any possible interest to women. He had lost most of his hair and he had a slight slouch, the product of too many years bent over too many books. Although he made a serious effort to stay tidy, he was well aware that being reasonably kempt had nothing to do with making himself sexually attractive. But he had dropped out of the sex game, and he believed for good.

If so, why were his thoughts turning to the checkout girl at Dominick's? Something about this Irene he found attractive, though he couldn't say what. He could only guess at her age: late thirties maybe, or early forties. He didn't know her last name; her darkness suggested she might be Jewish, but then again she could as easily be Greek or Italian or even Lebanese. Years spent working in a supermarket bespoke neither a college education nor an easy life. He thought about taking her to a play or dinner; he thought about making love to her,

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tried to imagine her body naked. What he couldn't imagine was his own aging body in the same bed.

Four days later, against his more reasonable self, Salzman returned to Dominick's at the same hour. In his cart he had orange juice, Twining's Earl Grey tea, angel-hair pasta, more Pellegrino, and yogurt. She was there, in the express lane. The store was quiet, no one was in line behind him, and he noticed that she wore no wedding band. But she did have a ring on the thumb, index, and little finger of each hand, plus a watch on each wrist. She was wearing jeans and a white T-shirt that, in red letters, proclaimed, "I am Woman, I am Strong, I am Invincible, I am Tired."

Ahead of Salzman in line was a black kid, seven or perhaps eight years old, one of those forlorn, seemingly unattached children he saw a lot of in the neighborhood. Irene had rung up a Pepsi, a box of doughnuts, and a package of red licorice—breakfast, Salzman assumed. But the boy didn't have enough to pay for his purchases.

"You need another dollar sixty-five," Irene said.

"This all I got," the boy said, uncomprehendingly.

Irene looked at him, sighed, reached below her counter, and from her change purse added $1.65 to the boy's coins.

"Go to school," she said, caressing his cheek as she handed him his food in a plastic bag.

Salzman watched but said nothing.

"How're you today?" she said, checking him through.

"Not bad," Salzman said. "And you?"

"Hangin' in there," she said. "No other place to hang, you know."

"I wonder if you'd like to meet one day for coffee?" Salzman blurted out.

"You're not married?" she asked.

"I'm a widower," he said.

"I'm a divorcee," she said. "Same result, different method. Sure, I'd be happy to. I'm off on Tuesdays and Sundays. My number's in the book."

"What's your last name?" Salzman asked.

"Lawrence," she said, "Irene. I live in the neighborhood, three blocks from here, on Winthrop. What's yours?"

"Howard Salzman. I'm at 5901 Sheridan. What's a good time to call?"

"At night, any time between six and ten."

An elderly woman hunched over with osteoporosis appeared behind him and began setting her groceries on the belt.

"I'll call you soon," Salzman said, amazed at his temerity.

He forced himself to wait two nights before phoning, and they agreed to meet the following Tuesday afternoon at the Java Corner on Broadway. She signed off saying, "Look forward to it, honey." "'Honey?'" thought Salzman, hanging up the phone, "what's this 'honey' business?" He was feeling a little edgy about the whole thing.

WHEN THEY met, she was wearing a bright red sweater and black pants. She had a nice figure, still youthful. Her hair was swept back off her face, in a ponytail. She wore large hoop earrings and even more makeup than on the job.

"So what do you do for a living, Howard," she asked, after he had brought their coffee and biscotti to the table.

"I was a college teacher, now retired. Philosophy."

"Sounds heavy," she said. "I went to Oakton Community College for a while, but it didn't do much for me. I got married when I was twenty and dropped out."

"You probably didn't miss much," Salzman said. "College education is highly overrated. Take it from a man who dispensed it."

She sipped her coffee, bit into her cookie. "Has it ever occurred to you," she said, "that biscotti are just stale *mandel* bread?"

"You're Jewish?" he said, the word *mandel* starting memories of his mother's kitchen.

"Very," she said. "Maiden name Siegel. Grew up in West Rogers Park. Went to Mather High School."

"Was your husband Jewish?"

"Yes," she said, "but his real religion was gambling. He was very observant. Our marriage broke up over his gambling, mostly on ball games, but birds flying off fences would do in a pinch. It's the worst, the gambling jones. Better to be married to an alcoholic. At least they pass out."

It occurred to Salzman that he had never been in the company of a woman who talked with such candor or knowingness; but it was the absence of irony, that staple of academic conversation, that he found riveting.

"In the old days one wasn't supposed to ask this of a lady," he said, emboldened, "but may I inquire how old you are?"

"Forty-nine," she said.

"You look much younger. Forgive me, but that's not even meant as a compliment. It just happens to be true."

"So did my mother, right up to the day she dropped dead at fifty-three. I figure that a clock is running on my life. That's why I wear two watches. So I'll always know what time it is." She held out her wrists.

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Salzman told her he was sixty-eight, and she answered without flinching that he looked it. "If I were doing your makeover," she said, "I'd tell you to lose the beard. A white beard is maybe the unsexiest thing going. I'd also maybe suggest you wear brighter colors." He was in his usual getup of brown tweed jacket, white shirt, black knit tie, gray trousers. "Bright colors brighten us up, you know."

After two hours filling each other in on their pasts, Salzman supplying information more circumspectly than Irene, he returned to his apartment exhausted but oddly exhilarated. This woman was quite beyond anything in his experience. She said things never dreamt of by Wittgenstein—whose philosophy, when Salzman came to think of it, actually had a very low dream content. They had agreed to meet again, though when was left open.

The following morning, brushing his teeth, Salzman considered his beard. Although he tried to keep it trimmed, the whiteness made it appear scraggly. He had grown it after acquiring a terrible windburn on a trip to Scotland, where he had given a paper on the Vienna Circle at the University of Edinburgh. Not shaving for a week or so relieved his skin, and Marcia liked the effect, or at least never said anything against it. But now, without giving the matter any more thought, he proceeded to take a razor to it, remembering what Henry James wrote to a friend when he shaved off his own beard in his late fifties—that, afterward, he had felt "light and free and forty."

Looking at his beardless face in the mirror, Salzman wished he could say the same. Instead he noted the things that time had done to his face while it lay hidden beneath its white shrubbery. His skin sagged at the cheeks, his lips were thinner than he'd remembered, two deep lines jutted down his chin from the corners of his downward-pulling mouth. His was the face, he thought, of a disappointed man.

That night he called Irene with an invitation. He had two tickets to the Vermeer String Quartet at DePaul University on Sunday at 3:00. Would she like to join him?

"The who?" she asked.

"The Vermeer String Quartet," he said.

"I thought you said the *vey iz mir* string quartet," she said with a laugh. "My mother used to say *vey iz mir* more than she said good morning. I'm not much for longhair music, Howard. Broadway show tunes or Barry Manilow are more my kind of thing. But sure, why not? Let's do it."

On Sunday, getting into his Volvo, she looked at his face. "It's an improvement," she said, adding hesitantly, "I think. It'll take some getting used to."

The concert took place in a chapel. Looking around, Irene said: "Is this your crowd, Howard? You know, I was a little worried about what to wear this afternoon, but these people, with their cataracts, probably can't see me anyhow." She had on a rather tight yellow sweater that emphasized her breasts, blue pants that stopped just above the calf, and shoes with heels that made her almost as tall as Salzman.

She was right; funny he hadn't noticed before, but now, looking around the room, Salzman saw nothing but aged specimens, several pulling themselves behind walkers. Lots of bald heads, plenty of mottled skin. For the first time it occurred to Salzman that what most of these people were looking for in chamber music was consolation—consolation for not being beautiful, or rich, or somehow better equipped for life, or for the terror of approaching death. Was he here for the same reason?

"I'll say one thing for this audience," Irene said. "It makes me feel young and full of energy, like I could dance Gene Kelly's big *Singin' in the Rain* number."

"They are pretty elderly," Salzman agreed.

"Howard," she said emphatically, "this is no matinee. This is a graveyard special."

At the intermission, standing outside, she reached into her purse and withdrew a pack of Marlboros. "Hope you don't mind," she said almost as an afterthought, lighting up before Salzman could answer.

"Are you enjoying the music?" he asked.

"I've had worse times at the dentist," she said. "Mostly I'm looking at the big lips of the guy playing the violin on the far left. Also his stomach. His front footage, as my Dad used to call it. He looks like he gets a lot of pleasure out of life. I like these hardy types with an appetite."

Salzman decided not to put her through the torture of the final item on the program, a string quartet by Shostakovich. Instead he proposed a walk and then an early dinner at a Chinese restaurant.

"The walk part sounds fine," she said. "But how about we stop and buy something I can fix us at my place?"

They walked south on Halsted, into the Lincoln Park neighborhood. A warm day, sunny; everyone on the street seemed youthful to Salzman. Very fit-looking young women jogged past, ponytails bobbing out of the backs of their baseball caps. Two homosexuals with slave tattoos over their biceps came out of Urban Outfitters carrying plastic shopping bags. A large man, with weightlifter muscles, was promenading a small white dog with black button eyes. Everything in the shop windows ap-

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peared to be for the very young. Salzman felt a wave of depression wash over him.

They bought two salmon steaks, broccoli, and the makings of a salad before returning to Salzman's car. Irene lived in a dark building on Winthrop off Catalpa. Elm trees formed a canopy that even on a bright day made the street seem gloomy. Three Mexican boys walked by in baggy jeans low on the hips, unlaced gym shoes, and baseball caps worn backward.

"What do you suppose this backward-hat business means?" Salzman asked.

"I don't know," Irene said. "Maybe the kids don't know how to wear them. Maybe the hats should come with instructions."

The apartment was small—a living room, a bedroom, a little kitchen giving onto a dark back porch. The furniture was a hodgepodge. There were old-fashioned Venetian blinds on the windows; colorless curtains hung limply. No books were in evidence, though there was a television set.

"Hope you like my furniture," Irene said, "it's Salvation Army colonial."

She suggested he sit on the sofa while she went to prepare dinner.

"I don't have anything by the *vey iz mir* quartet, but how about a little Louie Armstrong?" She extracted a CD from a small pile on a coffee table.

LISTENING TO trumpet music with a background of kitchen noise, Salzman, a late-afternoon napper, fell asleep. He dreamed about his own memorial service at the university. In the dream, every speaker was someone he had considered oafish or clownish. Their comments were entirely irrelevant. Marvin Citterman, the Spinoza man, invoked Salzman's facility in long division. Jacob Lerner, a neo-Platonist, compared his penmanship with Leonardo da Vinci's. Nancy Weiss, a phenomenologist and the department feminist, spoke exclusively about herself and the difficulty of her adolescent menstrual cycles. What did all this have to do with him, Salzman was wondering, when he felt Irene's hand gently on his shoulder announcing dinner.

He stepped into the bathroom to wash his hands, splash some water on his face. A cramped room, it had no medicine chest. All of Irene's pills, makeup, lotions, and feminine things sat on two shelves over the toilet. Difficult to imagine two people living in this apartment; it wasn't really all that convenient for one.

In the kitchen she invited him to remove his jacket and tie, which he did, placing them over the back of his chair. She had opened the door leading onto the back porch to release the heat from the oven. They ate at a formica table of the kind Salzman remembered from his mother's kitchen on Kimball Avenue in Albany Park in the late 1940's. The two kitchen chairs didn't match. The refrigerator and stove both looked more than 30 years old.

Irene must have noticed him taking inventory.

"My original plan didn't call for living like this, you know," she said, setting their salads on the table. "It called for a large house in Highland Park or Glencoe. Which is why I married a man just out of law school, a would-be 'professional man,' as my mother used to say. My mistake was not knowing that he couldn't stand to hold on to money. He preferred to donate it to bookies and other creeps."

"How long have you been divorced, Irene?" Salzman asked.

"It'll be fifteen years in December," she said.

"You're an attractive woman. No one else has asked you to marry?"

"You may not believe this," she said, "but Richard—that's my ex—has kept me in shell shock. I've had a few gentlemen friends, but when things get tight, I get going. I'd rather live like this than have another disastrous marriage. Ready for the salmon?"

Salzman normally cared little about food, but the salad was good, the salmon seemed excellent, and the broccoli was cooked to the right degree of crispness. Irene had made him a scotch and water, then a second. She kept pace with him. Over dinner they talked more about their pasts. He told her about his daughter and grandchildren in Seattle. She told him about her painful relationship with her father, who had wanted her to leave her husband much sooner than she did. He, unlike her mother, had never really approved of the marriage to begin with, which didn't make things easier, her father being, as she put it, "an I-told-you-so kind of guy."

Instead of coffee, Salzman had a third and then a fourth scotch, eliminating the water and ice cubes. Irene smoked her Marlboros. Not normally a drinking man, he found himself saying things to her that until now he had hardly said even to himself. He told her that he wasn't much of a husband; that his mind had always seemed to be elsewhere. He told her of his feeling an increasing detachment from life. He told her he thought he would die unmourned, that he worried about dying alone in his apartment, his body undiscovered for weeks afterward. The worries, the fears, the terrors poured out of him.

Salzman had never really believed that telling your troubles helped make them better, which was why he had never undertaken psychotherapy. But here he was jabbering away to a woman he barely knew. He couldn't say why, exactly, but he found he could talk

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to her in an unguarded way, dropping the heavy, strangling, Count of Monte Cristo mask of irony he had acquired early in academic life and worn through all his years in the university. Apropos of nothing at all, he protested—to himself? to Irene?—that Karl Popper was right about Freudian analysis: no discipline deserved to call itself scientific if it could not provide the means of its own refutation.

That was his last conscious thought before the sun came into Irene's small bedroom and woke him alone in her bed, in his underwear. He turned and found a note on the nearby pillow:

> Don't worry, your virginity is still intact. You fell asleep talking at my kitchen table, and I was able to drag you into the bedroom and get your shoes and pants off. I had to be at work by seven this morning. Your clothes are in the living room. There's a jar of instant coffee on the gas range and orange juice and bread for toasting in the refrigerator. Help yourself.
>
> Irene

Later that morning, back in his own apartment, surrounded by his books, Bach cantatas sounding from his expensive stereo equipment, Salzman asked himself what had driven him to become so confessional. Yes, such thoughts had clearly been preying on his mind, his subconscious. But that they should have found their release in a hot, dark kitchen with the smell of broiled fish clinging to the walls, in the home of a grocery checker from a world utterly different from his own, was not so easy to explain. Could this very difference be the reason he was able to talk so freely to Irene? Or was it because her world was still the same lower-middle-class world in which he too had been raised, but from which he had determined to become as greatly distanced as possible some 50 years ago?

Salzman had spent much of his early adult life in that concentrated effort, desperate to escape the deep—and to him deeply depressing—philistinism of his family and especially of his father, a jobber of women's handkerchiefs and linen. And escape he had; meeting Salzman, you would spot him as Jewish, certainly, but you wouldn't be able to tell his social class or geographical origins. He had fled his past and all the traps it had set for his future, fled it decisively, utterly, profoundly. But into what?

Bach in the background, Salzman was vaguely pleased that nothing had happened when Irene dragged him to bed. He could all too easily see himself drunk, ineptly passionate, groping and grasping, in that claustral bedroom. But why was she so kind to him, and why did he crave her company? Idiots would place the blame on a mid-life crisis, but Salzman didn't believe in mid-life crises. Besides, nearing seventy, he was too old for one. What he had was something much more serious: a late-life crisis, the one, he thought, that occurs when in the face of approaching death a person realizes that his regrets greatly outweigh his achievements and there isn't enough time left to do much about it.

In the credit-and-debit department, Salzman was, clearly, in the red. True, on the credit side, he had radically changed himself, even made himself into a man once taken seriously—see the winter 1982 letters columns of *Mind*—by the likes of W.V. Quine. But on the debit side he had written no lasting books, given his name to no useful theories, made no real difference to the life of anyone, even, terrible to tell, his family. He had never known the pleasure of guileless behavior, of saying precisely what he felt and acting upon those feelings. He had lived his life at a second, perhaps a third remove. And now the clock was ticking, insistently, incessantly.

And Irene? She, obviously, was his ticket to life, his way back into the fray. But why should she be interested in him, almost twenty years older than she, nothing much to look at, decently well off but hardly wealthy? Maybe he qualified in her eyes as mildly exotic, a man interested in things about which she had probably never heard. He was certainly not aggressive, sexually or in any other way, which she might or might not find to his credit. He hoped that in their few meetings he had shown his gentleness, assuming—by no means a safe assumption—that this was valued by a woman like Irene. The fact was that Salzman didn't know much about what Irene or any other woman wanted in a man. But he did sense, among so many inchoate feelings swirling about in his usually orderly brain, an urge to protect her, maybe make her life a little better—he could, at a minimum, get her out of the supermarket if that was in fact her wish, though he had no notion that it was.

But surely all this was sheer sentimentalism, if not sheer fantasy. Irene was honest and unself-conscious, and right now everything she said seemed of interest to Salzman. Soon enough, though, she was bound to become tedious. What could they possibly talk about? And who the hell *was* Barry Manilow anyway? Salzman had meant to find out but had forgotten.

He might just neglect to call Irene again; or he might call to apologize for getting drunk and thank

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her for taking care of him, saying that he would be in touch and then doing nothing further about it. Instead, he phoned that afternoon to make a date for Sunday evening dinner at the Greek Islands.

"OMM-PAH," yelled the Greek waiter as he squeezed lemon juice over the flaming cheese dish served at the table behind them.

"Did you notice," Irene said, once they'd been seated on the small upper floor of the crowded restaurant, "that the car in front of us and the car that pulled in behind us were both white Lincolns? What is it with Greeks and white Lincolns? Wonder why they're so nuts about them."

Salzman had not noticed. What he did notice was that she always managed to pick up on things that sailed over his head. He knew phemes and rhemes and how to spot illocutionary speech acts, but Greeks in white Lincolns went right on by him. Which, he asked himself, was the more useful sort of information? To his chagrin, knowledge of Greeks and white Lincolns seemed to him to win hands down.

"You know," she said, looking at him like a portrait painter, her head bent slightly to the right, "maybe you should let the beard grow out and consider dyeing it black. Or maybe you should go for just a mustache."

"I'm afraid I'm beyond repair," Salzman answered.

"Don't worry about it," Irene said. "A woman doesn't want to be seen in the company of a man more beautiful than herself. I always distrust a couple where the guy's hair is more carefully coifed than his girlfriend's." Looking around, Irene motioned Salzman to observe a blonde, young and quite attractive, accompanied by a dark grizzled man who looked as if he had to shave right up to his eyeballs.

"God," Irene said, "women will do anything."

"Not all of them," Salzman said. "My guess is that you wouldn't."

"I've come pretty close a time or two," she said.

"Which reminds me," Salzman interjected. "I remember once seeing you in tears when you were working at the Dominick's in Evanston. It's none of my business, but what was that about?"

"I don't remember. But I went through a really bad phase right around the time I kicked my husband out for good. I realized I wasn't going to be one of those lucky women who have everything taken care of for them by their husbands, which was the life I had planned on. And I don't mind telling you that it sent me into a real shlunck, maybe for six months. I'd cry at work, sitting on the toilet, waking up in the middle of the night. The tears would just flow and there wasn't anything I could do about it."

"What brought you around?"

"The realization that I really was one of the lucky ones. I was healthy. I could earn my living. Being alone, I didn't have to kowtow to anyone. A lot in life—food, music, watching other people—gave me real joy. And I decided then and there not to live for a grand future but for today. Does this sound stupid?"

"Not at all," Salzman said, and then he suddenly started explaining his notion of the late-life crisis to her, the crisis he was suffering from.

"I don't buy it," she said. "Most of us are going to leave life with more regrets than what you call achievements. Make that *all* of us, even the winners. We regret we didn't have our mother's boob longer, we didn't get a chance to sleep with Cary Grant, we're not sitting beside our Olympic-size swimming pool, we aren't two sizes smaller. Regret's easy, friend, and maybe a little cheap."

"Cheap?"

"I guess I mean common," she said. "Life can't be about feeling sad for the things we didn't do, or couldn't do. At least it better not be."

Their dinners arrived: lamp chops for Irene, roast chicken for Salzman, large side dishes of green beans and rice in tomato sauce, glasses of Roditis. They concentrated on their food. She ate, Salzman noted, with an energy close to passion, at one point excusing herself for picking up a lamp chop and gnawing the meat off the bone. She ended the meal with two espressos and a baklava. Salzman settled for a decaffeinated American coffee.

"Some nice-sized boys in this room," she said, looking around, as Salzman signed for the check. "I like a restaurant with lots of overweight men. It's an indication that good food's being served."

When they arrived back at Irene's, he parked the car and walked her to the door of her apartment. She asked Salzman if he would like to come in. "You have my word that I won't open the scotch and take unfair advantage of you."

"You know," Salzman said, once again surprised at what he was about to utter even while realizing he couldn't hold it back, "I'm afraid of you."

"What on earth for?" she asked.

"I'm not used to living life so directly."

"You ought to try it," she said. "Dive in. The water's fine."

"I won't drown?" he asked.

"I won't let you go under. I promise." She stood there, smiling, holding the door open for the Edward Padnos Distinguished Professor of Philosophy Emeritus, dry of throat and full of trepidation, to step through.

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MUSIC

Too Marvelous for Words

Terry Teachout

DO THE lyrics of popular songs qualify as poetry?

In 2000, the Library of America published *American Poetry: The Twentieth Century*, a two-volume anthology in which Cole Porter's "I Get a Kick out of You," Lorenz Hart's "Bewitched, Bothered, and Bewildered," and Johnny Mercer's "Blues in the Night" were printed side by side with such classics of American verse as T.S. Eliot's "The Waste Land" and Robert Frost's "Stopping by Woods on a Snowy Evening." Though the critical response was mixed, the editors' decision reflected a growing consensus that at least some of the work of the lyricists of the pre-rock era is worthy of serious consideration as a species of poetry.

The case against treating song lyrics as poetry, however, is both easily made and generally convincing. To begin with, most golden-age song lyrics were written for preexisting melodies, and thus have no independent metrical life. In addition, many of the best-known pop songs were originally composed for Broadway musicals, meaning that they first had to fulfill utilitarian theatrical considerations before seeking to make any kind of purely expressive statement. Similarly, not only are the vast majority of lyrics—and virtually all of the well-known ones—about romantic love, but they are specifically tailored to appeal to a mass audience.

Above all, lyrics are written to be sung, not read. To consider them separately from the tunes to which they were set is like listening to a film score without simultaneously viewing the film for which it was composed. However interesting or instructive such an experience may be, it is nothing like what its creators had in mind.

True, some of the best movie music of the 20th century has found its way into the concert hall, where it has proved to have considerable appeal in its own right.[1] Might something similar be said for song lyrics on the printed page? For the most part, the answer is no. Setting aside the technical fascination exerted by the virtuosic wordplay of such lyricists as Porter, Hart, and Ira Gershwin, it is striking—if not surprising—how modest an impact even *their* lyrics make when read. As is the case with classical art song, the primary expressive effect of popular songs is achieved through the music, to which the words serve merely as a kind of articulate accompaniment. It is perfectly possible to spend an entire evening listening to instrumental versions of such songs as Hoagy Carmichael's "Stardust" or Johnny Green's "Body and Soul." But imagine spending the same evening listening to their lyrics being read out loud by an actor, and you will acquire a surer grasp of the relative significance of the two elements of popular song.

Johnny Mercer's lyrics, however, are different.

MERCER WAS born in 1909, eighteen years after Porter and thirteen after Gershwin. Unlike his older colleagues, he was not significantly influenced by W.S. Gilbert, whose witty but emotionally null versification in the comic operettas he wrote with Arthur Sullivan did much to shape

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[1] See my essay, "I Heard It at the Movies" (COMMENTARY, November 1996).

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the styles of the first generation of modern American theatrical lyricists. Moreover, Mercer rarely wrote for the stage—most of his songs were done for Hollywood films—and so he rarely had to serve narrowly theatrical ends. Instead, his songs are "lyrical" in the other, older sense of the word, meaning that they express intensely subjective emotions in a songlike way.

Mercer's brand of lyricism—unabashed yet unsentimental, and expressed with a colloquial directness that conceals extreme technical sophistication—is unmistakable. No one else, for example, could have written a lyric like "Skylark" (1942): "Skylark,/Have you anything to say to me?/Won't you tell me where my love can be?/Is there a meadow in the mist/Where someone's waiting to be kissed?" In its precise rhymes and beautifully shaped cadences, it is obviously a product of the golden age of American songwriting. But no other golden-age lyricist, not even Oscar Hammerstein II, could have aspired to its air of uncontrived simplicity.

This special quality was widely recognized by those in a position to appreciate it most completely. "Johnny Mercer is the greatest American lyricist alive," Hammerstein once said. "I could no more write a lyric like one of his than fly. It's so Americana."

The "Americana" was genuine enough. Mercer was one of the few major American songwriters who were not big-city Easterners—he came from Savannah, Georgia—and to some extent his style reflects this difference of cultural background. At the same time, though, he was more than a homespun versifier who just happened to write popular songs. His creative impulse, unlike that of Gershwin or Porter, was *essentially* lyrical, and this quality intensified as he grew older—so much so that in such later songs as "Days of Wine and Roses" (1962), the melody, memorable though it may be, is not needed in order to heighten the poetic quality of the words: "The days of wine and roses/Laugh and run away,/Like a child at play,/Through the meadowland toward a closing door,/A door marked 'Nevermore,'/That wasn't there before."[2]

Mercer's songwriting is discussed at length in two biographies. Philip Furia's *Skylark: The Life and Times of Johnny Mercer*, published last year, is a semi-formal, fully annotated monograph by a professor of creative writing at the University of North Carolina who has also written about Ira Gershwin and Irving Berlin. Gene Lees's newly published *Portrait of Johnny: The Life of John Herndon Mercer*[3] is, as the title suggests, an informal biography by a distinguished lyricist and music journalist who knew Mercer personally in his later years. While the two books use much of the same source material, including an unpublished memoir by Mercer, they differ considerably in tone and emphasis. Furia is thorough and detailed (as well as error-prone, to the point of misquoting some of Mercer's lyrics); Lees is vivid, insightful, and discursive to a fault.

Between them, *Skylark* and *Portrait of Johnny* supply a clear account of Mercer's life, leaving no doubt whatsoever that he was a deeply troubled man whose great personal charm concealed an enormous amount of barely controlled rage. A heavy social drinker, he was notorious in Hollywood for viciously insulting friends at parties, then sending them roses the next day. His marriage appears to have been loveless, and his final years were blighted by the rise of rock-and-roll, which left the songwriters of his generation scrambling for work.

Mercer held on longer than most, writing several of his most successful songs in the early 60's, but he, too, ultimately faded from view. Even in his heyday, he had been better known to the public at large as the winsomely relaxed singer of such jazzy hit records of the 40's as *G.I. Jive*, *Personality*, and *Strip Polka* (all recorded for his own label, Capitol, to which he also signed such hugely popular artists as Nat King Cole, Peggy Lee, Jo Stafford, and Margaret Whiting). Today his name is less widely recognized than those of Porter, Berlin, and the Gershwin brothers, perhaps because he collaborated with so many different composers instead of forging a single long-lasting artistic partnership.[4] Nevertheless, his special place in American popular song continues to be acknowledged by his peers. "Every American lyricist I have known," Lees writes, "considers, or considered, him the best of them all."

LOOKING AT Mercer's 1,088 songs in the light of *Skylark* and *Portrait of Johnny* suggests that there were three major creative turning points in his life. The first was his decision to move from New York to Hollywood in 1935. Though he started out as an actor and longed throughout his life to write a Broadway hit, his natural inclinations, as Philip Furia explains, were anything but theatrical: "Whereas Hart and Hammerstein wrote to dramatic character and situation in a musical, Johnny Mercer . . . would best craft lyrics out of his own emotions."

A case in point is his lyric for "Laura" (1945): "Laura is the face in the misty light,/Footsteps that you hear down the hall,/The laugh that floats on a summer night/That you can never quite recall." For all its evocative power, this song is (in Furia's words) "inconceivable as a num-

[2] "Days of Wine and Roses" has been recorded many times, most notably by Peggy Lee in 1963 on *Mink Jazz* (Capitol). Other notable recordings of Mercer lyrics, including "Skylark," are discussed in the discography at the end of this piece.

[3] St. Martin's, 328 pp., $27.95.

[4] Though Mercer wrote most of his best-remembered songs with Harold Arlen, he also worked with Rube Bloom, Ralph Burns, Hoagy Carmichael, Duke Ellington, Gordon Jenkins, Jerome Kern, Michel Legrand, Henry Mancini, Johnny Mandel, David Raksin, Victor Schertzinger, Jimmy Van Heusen, Harry Warren, and Richard Whiting. In addition, Mercer himself wrote the music for three of his biggest hits, "Dream," "I'm an Old Cowhand," and "Something's Gotta Give."

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ber in a musical comedy. Purely lyrical, it evokes no character or dramatic situation for the singer that can be staged, performed, acted out." In Hollywood, such action-halting songs were acceptable; on Broadway, and especially after Rodgers and Hammerstein began writing "integrated" musicals whose songs arose naturally out of onstage action, they were not.

No less significant were Mercer's more or less simultaneous encounters in 1941 with Judy Garland and the composer Harold Arlen. Though Garland was only nineteen when she and Mercer met and became romantically entangled, she was far more sexually experienced than her older lover, and their ill-fated relationship (she chose to marry another man) left its mark on Mercer's writing, which up to that time had mostly run to witty novelties and once-over-lightly love songs. In tandem with Arlen, whose jazzy, harmonically complex melodies were ideally suited to a lyricist who had grown up listening to black music in Georgia, Mercer produced a series of songs, including "Blues in the Night" (1941), "That Old Black Magic" (1942), and "One for My Baby" (1943), whose darker, more intense tone is plainly indicative of the disruption in his emotional life.

Finally, there was the emergence of what Lees perceptively terms the "quality of abstraction" heard in so many of Mercer's later lyrics (though apparent as early as "Laura"). Already disposed to write about emotional states rather than concrete situations, Mercer increasingly incorporated into his songs evocative imagery that floated free of any semblance of "realistic" specificity. The "door marked 'Nevermore'" in "Days of Wine and Roses" is a prime example, as is this mysterious quatrain from "Charade" (1963): "Fate seemed to pull the strings,/I turned and you were gone./While from the darkened wings/The music box played on."

Mercer was acutely conscious of what he was doing in these songs. As he observed of "Days of Wine and Roses":

> Allegorically, it's like a Dali painting, you know. You're walking through a meadow and suddenly there's a door and there's a word on it. You see past that and past that you can't go.

It is inconceivable that Berlin or Gershwin would have analyzed one of his own lyrics in such a way—or written a lyric that could be so analyzed.

But did Mercer's use of such techniques make him a poet, or merely an exceptionally imaginative craftsman?

At the end of *Portrait of Johnny*, Gene Lees paradoxically asserts that Mercer "was more than a poet, he was a lyricist." Like all paradoxes, this one sheds light without offering a definitive answer to the question it implies. My own published view, if less suggestive, has the virtue of being more clear-cut:

> For all the utilitarian considerations that brought [his songs] into being, their aesthetic appeal is considerable, and the more I reflect on Mercer's achievement, the more I am inclined to think that he deserves to be considered not merely as a writer of supremely well-crafted song lyrics, but as one of the most gifted poets this country has produced.[5]

Continued immersion in and reflection on Mercer's work has done nothing to change my opinion—though I would hasten to add that even his most frankly poetic lyrics are best heard in tandem with the melodies that inspired them. Hence they occupy the same equivocal position as, say, Bernard Herrmann's film scores, which are the products of a collaborative process and cannot be properly evaluated outside the context of that process. It is revealing that Mercer published no poetry, presumably because he felt he had no gift for writing it. Only in the crucible of collaboration did his talents manifest themselves completely.[6]

Does this diminish the significance of his achievement? Must he necessarily be considered a lesser artist than a writer who works exclusively on his own? To make such a claim, after all, is by extension to relegate all forms of collaborative art to a lower level of excellence simply because of the process by which they came into being. Is *Citizen Kane* an inferior work because Orson Welles created it in collaboration with Herrmann, the screenwriter Herman J. Mankiewicz, and the cinematographer Gregg Toland? Conversely, is Irving Berlin's "How Deep Is the Ocean?" a better song than "Days of Wine and Roses" simply by virtue of the fact that Berlin wrote both words and music?

For me, the answer to all these questions is an unequivocal no—but whether or not that makes Johnny Mercer a true poet is another matter, and one about which he himself had nothing to say. Perhaps, though, one might look to one of his own lyrics, "One for My Baby," for an answer:

> You'd never know it,
> But buddy, I'm a kind of poet,
> And I've gotta lotta things to say.
> And when I'm gloomy,
> You simply gotta listen to me,
> Until it's talked away.[7]

Who can doubt that the man who wrote these lines was at the very least "a kind of poet"? Or that the world will continue to listen to the things he had to say long after most of the full-fledged "poets" of our own day are dead and forgotten?

[5] "The Great American Songbook: A Finale" (Commentary, May 2002).

[6] *Skylark* contains excerpts from a series of undated, unpublished free-verse poems by Mercer that may possibly describe his affair with Judy Garland. Without exception, they are undistinguished.

[7] Mercer recorded "One for My Baby" in a 1946 performance currently available on *The Capitol Collector's Series: Johnny Mercer* (Capitol). His quietly rueful interpretation contrasts strikingly with the slower, more explicitly theatricalized version recorded by Frank Sinatra in 1958 on *Frank Sinatra Sings for Only the Lonely* (Capitol).

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Johnny Mercer on CD: A Personal Selection

NEARLY EVERY important American popular singer of the pre-rock era recorded at least one song with lyrics by Johnny Mercer, and usually many more. Here are fifteen of my favorites:

1936: "I'm an Old Cowhand" (music by Johnny Mercer)—Bing Crosby, *Bing: His Legendary Years, 1931 to 1957* (MCA, four CD's). An occasional amateur composer whose simple melodies crackled with rhythmic life, Mercer scored his first Hollywood hit with a song for which he wrote both words and music (the former, he claimed, in fifteen minutes). The well-read, classically educated Crosby reveled in Mercer's witty wordplay, though his jazz roots are no less evident in his rocking performance of this droll send-up of a latter-day cowboy: "I'm a ridin' fool who is up to date,/I know ev'ry trail in the Lone Star State,/'Cause I ride the range in a Ford V-8." The infectious accompaniment is supplied by a big band led by the alto saxophonist Jimmy Dorsey and featuring Ray McKinley, among the finest drummers of the 30's.

1937: "Too Marvelous for Words" (music by Richard Whiting)—King Cole Trio, *The Best of the Nat King Cole Trio: Vocal Classics, Vol. 2 (1947-1950)* (Capitol Jazz/Blue Note). It was at Mercer's urging that Nat King Cole, a great jazz pianist who sang on the side, began to feature his engaging vocals on his recordings for Capitol (many of which were produced by Mercer, who signed him to the label in 1943). Both men had strong Southern accents, and though Cole's became less pronounced in later life, it adds a winningly idiomatic touch to his light-footed 1947 performance of one of Mercer's cleverest "list" songs.

1938: "Jeepers Creepers" (music by Harry Warren)—Louis Armstrong, *Louis Armstrong: Highlights from His Decca Years* (Decca Jazz, two CD's). Armstrong introduced this charming novelty in the now-forgotten 1938 Hollywood musical *Going Places* (whose supporting cast included Ronald Reagan), subsequently making a genial studio recording that helped to solidify his growing reputation as a full-fledged pop singer whose appeal extended far beyond the world of jazz.

1939: "I Thought About You" (music by Jimmy Van Heusen)—Frank Sinatra, *Songs for Swingin' Lovers* (Capitol). The greatest popular singer of the 20th century made definitive recordings of numerous Mercer songs, many of them for Capitol. "A Johnny Mercer lyric," Sinatra reportedly said, "is all the wit you wish you had and all the love you ever lost." The deceptively casual tone of this one, perfectly arranged by Nelson Riddle, conceals the painstaking care with which Sinatra realizes the onomatopoeic effect of the crisp terminal consonants used by Mercer to suggest a train rolling down the track: "I peeked through the *crack*/And looked at the *track*,/ The one going *back* to you." (Interestingly, this is a rare example of a Mercer lyric that was written first, then set to music.)

1942: "I Remember You" (music by Victor Schertzinger)—Peggy Lee, *Pretty Eyes/Guitars à la Lee* (Capitol/EMI). No less memorable is Peggy Lee's hushed version of another song in which Mercer uses consonants to ingenious effect, here in the liquid double l's of the closing lines: "When my life is through/And the angels ask me to *recall*/ The *thrill* of them *all*,/Then I *shall tell* them I remember you." Yet for all its virtuosity, "I Remember You" is also directly autobiographical: "I always had such a crush on Judy Garland I couldn't think straight," Mercer told a relative, "so I wrote this song."

1942: "Skylark" (music by Hoagy Carmichael)—Tony Bennett, *Forty Years: The Artistry of Tony Bennett* (Columbia/Legacy, four CD's). The gracefully balanced phrases of Carmichael's Bix Beiderbecke-like melody inspired Mercer to write one of his most "outdoorsy" lyrics. Accompanied only by the piano of Ralph Sharon, his longtime musical director, Bennett reshapes the familiar tune with an expansive flexibility that places Mercer's words at center stage.

1942: "That Old Black Magic" (music by Harold Arlen)—Judy Garland, *Judy Garland: The Complete Decca Masters* (MCA, four CD's). Mercer's ode to physical passion ("I hear your name and I'm aflame,/ Aflame with such a burning desire/That only your kiss can put out the fire") has been recorded countless times, but rarely with the unsettling effect of this little-known, surprisingly understated 1942 performance, which was recorded by Garland not long after she became romantically entangled with the thirty-one-year-old songwriter.

1944: "Ac-cent-tchu-ate the Positive" (music by Harold Arlen)—Johnny Mercer, *The Capitol Collector's Series: Johnny Mercer* (Capitol). Inspired by a phrase Mercer overheard in a sermon by a black preacher from Savannah, "Ac-cent-tchu-ate the Positive" is the quintessential example of the sharp-eared deftness with which he tucked colloquial idioms into his lyrics: "You've got to accentuate the positive,/Eliminate the negative,/Latch on to the affirmative,/Don't mess with Mr. In-Between." Mercer's delightful recording, which topped the charts in 1945, is no less illustrative of his prowess as a singer of rhythm tunes.

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1945: "Laura" (music by David Raksin)—Woody Herman, *Pop Music: The Early Years 1890-1950* (Sony, two CD's). Though far better known as a bandleader, Woody Herman was also an outstanding vocalist who scored a well-deserved hit with his 1945 recording of the sinuous theme from *Laura*, a film noir scored by David Raksin. In addition to his stylish singing of Mercer's evocative lyric, which was written after the film was released (but before Mercer had seen it!), Herman contributes a ripely romantic half-chorus solo on alto saxophone.

1946: "Come Rain or Come Shine" (music by Harold Arlen)—Dick Haymes, *The Best of Dick Haymes* (Curb). Most singers pull out all the stops on this swinging ballad, written for the unsuccessful Broadway musical *St. Louis Woman*. But Haymes, a much-admired pop balladeer of the 40's who made his best recordings in the mid-50's, after a long battle with alcoholism had darkened his youthful voice and tinged it with disillusion, sings with a controlled restraint that proves more rewarding.

1946: "I Wonder What Became of Me" (music by Harold Arlen)—Joe Mooney, *The Happiness of Joe Mooney/The Greatness of Joe Mooney* (Koch Jazz). Mooney, a blind, crippled singer-accordionist whose sophisticated jazz quartet enjoyed a brief vogue on New York's 52nd Street in 1946, emerged from semi-retirement eighteen years later to record two albums for Columbia that show off his subtle singing to remarkable effect. This version of "I Wonder What Became of Me," a little-known ballad from *St. Louis Woman*, is acutely alive to the self-lacerating streak in Mercer's personality that sometimes surfaced in his songwriting as well.

1949: "Early Autumn" (music by Ralph Burns)—Jo Stafford, *The "Big Band" Sound* (Corinthian). Burns, who wrote arrangements for Woody Herman from the mid-40's on, borrowed this handsome melody from "Summer Sequence," a multi-movement suite he had composed for the Herman band in 1947, and spun it into a free-standing instrumental that became one of Herman's most popular recordings. Mercer then added a nostalgic lyric, giving "Early Autumn" a second life as a standard: "When an early autumn walks the land and chills the breeze/And touches with her hand the summer trees,/Perhaps you'll understand what memories I own." As always, Jo Stafford's warm mezzo-soprano voice and unadorned simplicity are irresistibly winning. The gentle accompaniment for clarinets and rhythm section was scored by Paul Weston, Stafford's husband.

1954: "Something's Gotta Give" (music by Johnny Mercer)—Fred Astaire, *Fred Astaire's Finest Hour* (Verve). In addition to being one of his strongest self-penned tunes, this deliciously syncopated swing song offers a rare look at Mercer the character-driven dramatist (while perhaps also affording a somewhat calmer look back at his affair with Judy Garland). Written for Fred Astaire to sing to Leslie Caron in *Daddy Longlegs*, "Something's Gotta Give" tells how a middle-aged man can become attracted to a much younger woman: "When an irresistible force such as you/Meets an old immovable object like me,/You can bet as sure as you live,/Something's gotta give." Even at fifty-five, Astaire tosses it off with a dancer's lithe grace.

1961: "Moon River" (music by Henry Mancini)—Nancy LaMott, *Come Rain or Come Shine: The Songs of Johnny Mercer* (Midder Music). Originally recorded by Audrey Hepburn for the soundtrack of *Breakfast at Tiffany's*, "Moon River" was one of Mercer's biggest hits, and its unexpected success briefly revived his flagging career. Though it was composed specifically for Hepburn, its folksy lyric might just as easily have been written for Nancy LaMott, a cabaret singer who was profoundly in tune with Mercer's small-town sensibility: "We're after the same/Rainbow's end/Waitin' round the bend,/ My huckleberry friend,/Moon River/And me." Her heartfelt, unaffected recording is a priceless memento of the promising career that was cut short by her untimely death in 1995.[8] This CD, which was out of print for several years, can now be ordered directly from www.middermusic.com.

1964: "Emily" (music by Johnny Mandel)—The Singers Unlimited, *A Cappella* (Universal). This tender love song in waltz time, written for the Arthur Hiller film *The Americanization of Emily*, was Johnny Mercer's last truly popular song. It is heard here in a sweetly lyrical performance arranged by Gene Puerling for the Singers Unlimited, a vocal quartet led by Puerling that used overdubbing to create harmonically complex choral effects in the recording studio (the group never performed in public). Bonnie Herman's lead vocal is noteworthy for its combination of tonal purity and emotional expressiveness.

Except as indicated, these CD's can all be purchased online by viewing this article during the month of November on COMMENTARY's website:

www.commentarymagazine.com

[8] See "Mourning Nancy LaMott" (COMMENTARY, May 1996), reprinted in *A Terry Teachout Reader* (Yale) under the title "My Friend Nancy."

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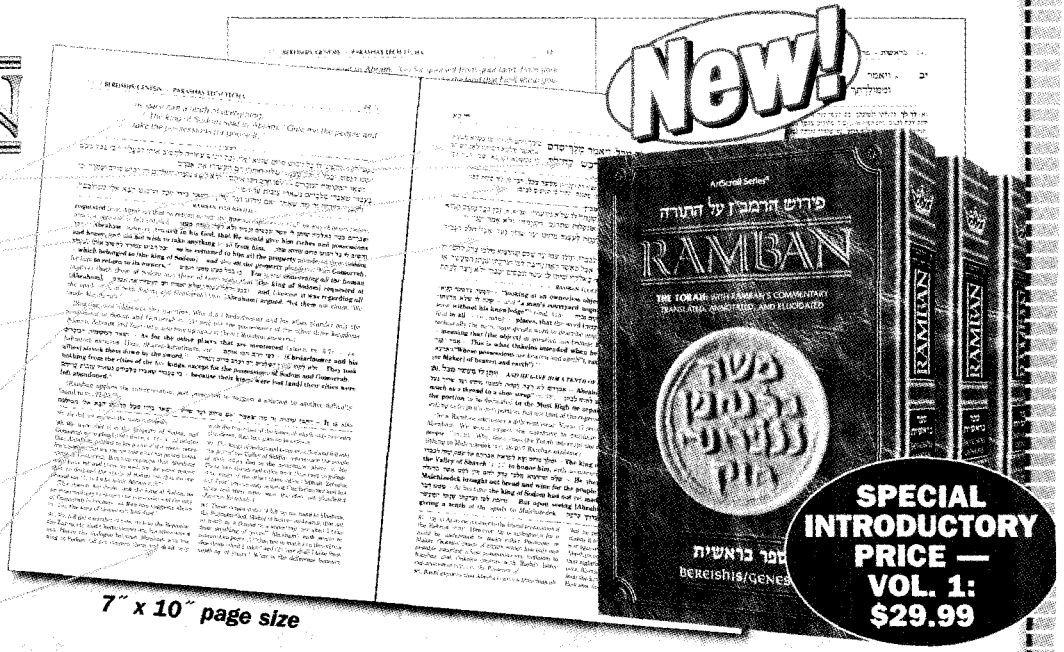

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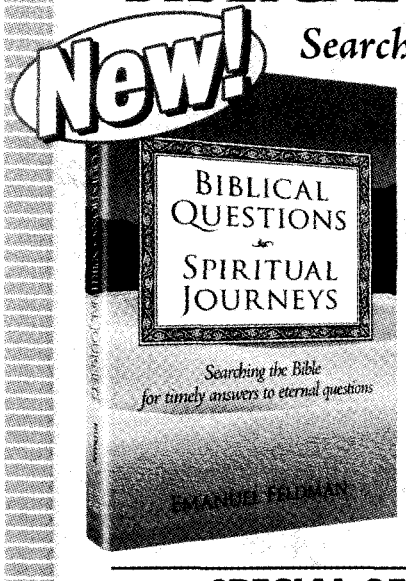

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Books in Review

Checks and Balances

The Roads to Modernity: The British, French, and American Enlightenments
by Gertrude Himmelfarb
Knopf. 284 pp. $25.00

Reviewed by
James Nuechterlein

WHEN I was in graduate school in the early 1960's, a fellow student amused the rest of us by circulating a course description he had run across in the catalog of an obscure Bible college in the South. The course was a standard yearlong introduction to Western civilization; according to the description, the first semester would cover European history from Greek and Roman origins "up to the so-called Enlightenment."

At the time, the phrase "so-called Enlightenment" elicited from us knowing laughter and utter condescension. Today, although the terminology might differ, the idea behind that "so-called" has become commonplace. Skepticism about the "Enlightenment project" is now as widespread on the fashionable Left as it is on the anti-intellectual Right.

Gertrude Himmelfarb, the distinguished intellectual historian and social critic, is no Enlightenment-basher; she might rather be labeled an Enlightenment-redefiner. She wants, as she says at the outset of her masterful and elegant new book, "to reclaim the Enlightenment—from critics who decry it and defenders who acclaim it uncritically, from postmodernists who deny its existence and historians who belittle or disparage it, above all, from the French who have dominated and usurped it." As her title suggests, the 18th century produced more than one proposed route to modernity, and she argues that the French version, though it is the most commonly credited, was actually the least satisfactory.

THE THREE Enlightenments under discussion had areas of overlap as well as internal differences and disagreements, but Himmelfarb argues persuasively that they were clearly distinct—especially the British and American from the French—and that each was substantially coherent as a body of thought. She gives a capsule description to each that, in her view, captures its essence: for the British, "the sociology of virtue"; for the French, "the ideology of reason"; for the American, "the politics of liberty."

Of the three Enlightenments, Himmelfarb devotes herself most fully to the British, conceding that, in this volume, the other two serve as foils to it. This in itself is audaciously revisionist. As she notes, "To bring the British Enlightenment onto the stage of history, indeed, the center stage, is to redefine the very idea of Enlightenment." The concept that there *was* a British Enlightenment is itself relatively recent, an expansion from the more familiar notion of a Scottish Enlightenment. But Himmelfarb contends that British thinkers contributed something different to the usual traits associated with the Enlightenment—"reason, rights, nature, liberty,

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equality, tolerance, science, progress." That something was the idea of virtue.

Virtue—not so much personal virtue as the social virtues of compassion, benevolence, and sympathy—was as central to the British Enlightenment as reason was to the French; and here, in Himmelfarb's estimation, lay the British advantage. Although they did not deny reason, for the British it was the moral sense, the essentially innate grasp of right and wrong, that was antecedent and superior. In the thought of Adam Smith and others, belief in this moral sense generated a belief in natural human equality that significantly transcended political, social, and economic distinctions.

By placing virtue at the heart of the British Enlightenment, Himmelfarb expands the circle of Enlightenment figures to include people normally thought irrelevant or even opposed to it, including Edmund Burke and John Wesley. Nor was the emphasis these moral philosophers placed on virtue merely theoretical or abstract. It created a social ethos that spawned an "age of benevolence" in Britain—and one that, in Himmelfarb's view, had far more salutary effects in practice than were traceable to the climate of thought encouraged by the *philosophes* across the Channel. Tocqueville was wrong, she says, in identifying voluntary associations and civil society as unique products of 19th-century American society. A century earlier, Britain had established an astonishing range of private reform movements and philanthropic enterprises, both secular and religious. The spirit animating them was one of reform, not revolution; it produced a significant amelioration of a host of social problems. Nothing similar occurred in France.

THE DREAM of the *philosophes*, of course, was not an "age of benevolence" but an "age of reason." Reason's enemy was religion, especially as embodied in a Catholic Church oppressive in itself and doubly so as ally to an oppressive state. Thus, the logic of Diderot's proposal to "strangle the last king with the entrails of the last priest."

But, writes Himmelfarb, reason was not just a weapon to undermine superstition. For the *philosophes*, it was a counter-dogma to religion. As the great *Encyclopédie* edited by Diderot and D'Alembert declared, "Reason is to the philosopher what grace is to the Christian. Grace moves the Christian to act, reason moves the philosopher." It was not only the Catholic Church but Christianity itself (indeed all dogmatic religion) that was anathema to most of the *philosophes*, a sentiment expressed in Diderot's acclamation of Voltaire as the "sublime, honorable, and dear Antichrist."

The *philosophes*' radical commitment to abstract reason and their concomitant hostility to religion made it difficult for them to find an equivalent to the bridge across class divisions that British thinkers found in the idea of a universal moral sense prior to reason. The problem with the poor, said Diderot, was that they were "imbeciles" when it came to religion. The *philosophes* could work for the people but could not imagine the people doing much for themselves. Himmelfarb pithily sums up their skepticism toward popular education:

> The people were uneducable because they were unenlightened. They were unenlightened because they were incapable of the kind of reason that the *philosophes* took to be the essence of enlightenment. And they were incapable of reason because they were mired in the prejudices and superstitions, the miracles and barbarities, of religion.

IN TURNING finally from the French Enlightenment to the American, Himmelfarb is back in congenial territory. Like the British, the American founders were concerned with virtue and recognized the limits of reason. In James Madison's words, "a nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato." But where the social virtues were in the forefront of British Enlightenment thought, "in America," Himmelfarb writes, "they were in the background, the necessary but not sufficient condition." In the foreground was liberty—first how to achieve it, and then how to sustain it.

Himmelfarb focuses—more, perhaps, than one might wish—on the latter question: how to sustain liberty. Her tightly packed discussion says little about the political thought leading to the American Revolution, instead emphasizing the ideas behind the making of the Constitution, with particular attention to the political philosophy of *The Federalist*. Having had their successful revolt, most of the Founders—Paine and Jefferson were exceptions—were not interested in maintaining a permanent revolutionary spirit. They saw liberty as a fragile thing that virtue alone could not be depended on to preserve. Thus they looked to political devices (checks and balances, separation of powers) and social arrangements (the multiplicity and diversity of interests that a large commercial republic would entail) to undergird virtue in securing their revolutionary gains.

As in her discussion of the British situation, Himmelfarb emphasizes the role of religion in the American Enlightenment. In both places, few of the thinkers she discusses were entirely orthodox in their religious thought, and many were skeptics to one degree or another. But the great majority—utterly unlike their counterparts in France—saw religion both as a public good in itself and as an ally in their aspirations. Just as virtue was essential to the public good, so, at least for the great mass of

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Twisted Words and Phrases (2)

More examples of Arab propaganda, giving new meaning to old words.

In the previous of this series of hasbarah (educating and clarifying) messages, we described how Arab propaganda systematically twists words and phrases so that eventually they come to mean almost the exact opposite of their original intent. We discussed "Terrorists and Freedom Fighters" and "Dishonor in the Muslim World." Here are two more examples of such twisting of language, and there are many more like it.

What are the facts?

Palestinian land:". A great hue and cry has arisen about the Israeli barrier (called the "apartheid wall" by its noisy detractors). At a cost of billions of dollars, Israel has been forced to erect such a barrier in order to safeguard itself against constant murderous attacks that have so far cost over 1,000 Israeli lives and have hurt and mutilated thousands more.

Fourteen out of fifteen judges of the International Court of Justice have condemned this barrier as "illegal." The only laudable exception to this lopsided and totally unwarranted decision was that of the U.S. judge on this (otherwise kangaroo) court. What particularly agitated the judges was that this barrier allegedly intrudes on "Palestinian land." But, of course, there is no such thing as "Palestinian land." The Palestinians do not own any land in Judea/Samaria (the "West Bank"). That land, originally part of the Ottoman Empire, became part of the British Palestine mandate after the First World War and was allocated as part of the Jewish homeland by the Balfour Declaration. In the War of Liberation of 1948, right at the birth of Israel, the invading Jordanian army occupied that territory and assumed possession. In the Six-Day War, Israel repulsed the attack and stayed in possession of the territory.

Judea/Samaria (the "West Bank") is therefore part of Israel. If at some future date Israel should decide to relinquish any part of that territory to a Palestinian entity, then it would indeed become Palestinian land. But right now, there is no such thing. "Palestinian lands" do not exist. It is a twisted phrase, created by Arab propaganda to score public relations points and to create confusion in an uninformed public.

"Arab humiliation:" A great deal of ink is being spent on "Arab humiliation" at the hands of the Israelis. There are almost daily stories in the papers deploring the "endless delays" that Arabs suffer at being stopped and interrogated and in some cases searched at one of the many check points. Those delays, which undoubtedly are major inconveniences and annoyances to the Arabs, have one purpose only, namely to reduce and to the degree possible to prevent altogether the passage of suicide bombers that have so far caused so many Jewish victims.

The Arabs have brought those miseries upon themselves with their "intifada," now over four years old. There were no check points and no delays before that started. And what could one say about women who, feigning pregnancy, carry explosives under their garments and blow up the female guards who examine them and all others around them? Or what about little children in ambulances who are supposedly in urgent need of quick passage (to a Jewish hospital), but who have bombs hidden in their gurneys, ready to explode and to kill?

> "Peace cannot come about until the Arab world is willing to wholeheartedly accept Israel and to forget about military action and the war of propaganda."

But how about the "humiliation" and annoyance that the Jews have to endure? For Jews, normal life in Israel has practically ended. Motorists in Israel expose themselves to a gauntlet of sniper fire on the highways. Most school trips have been canceled for fear of attack on the children, similar to what the Moslem barbarians have just perpetrated in Russia. Social occasions, such as weddings or bar mitzvahs, can't take place unless armed guards are provided. Restaurants, movies, stores and parking lots have to be heavily guarded. Arabs, on the other hand, can freely move through any part of Israel, the cities and the countryside, without any fear of attack. They need not protect their schools or their places of worship, their restaurants, grocery shops or other places where people gather. And they need not fear for their children and that Jews are going to blow them up.

The prevention of Islamic terror is an enormous burden on Israel. Fully three percent of the country's $40 billion GNP goes to protection against terror. The Palestinians brought their misery upon themselves, but the Jews suffer much more from the necessary security precautions than they do. "Arab humiliation" is a twisted phrase, invented and endlessly promoted by Arab propaganda in order to engage the sympathy of the world.

The Arab Moslems have launched three major wars against Israel and have engaged in a constant war of attrition, in order to destroy what they call the "Zionist entity" (another twisted phrase). Unable to defeat Israel militarily, they have resorted to an endless war of propaganda, in which twisted words and phrases play a major role. They have been quite successful at that. Peace cannot come about until the Arab world is willing to wholeheartedly accept Israel and to forget about military action and the war of propaganda. But that day, if it is to come at all, is not yet in sight.

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people, religion was essential to virtue. Himmelfarb quotes the deist Benjamin Franklin: "If men are so wicked as we now see them with religion, what would they be if without it?"

Himmelfarb notes but rejects the criticism that this view of religion finally disparages it by reducing it to a merely utilitarian function. To value religion as a social and political benefit, she says, is not to demean it. "On the contrary, it pays religion—and God—the great tribute of being essential to the welfare of mankind."

One may pause over the interpolated phrase, "and God," which introduces a rare note of equivocation into Himmelfarb's argument. One can believe, as many British and American Enlightenment thinkers appear to have believed, that religion is essential to the public good without raising the question of the reality of God. If God exists, religion's utility is a nice add-on. But if He does not, its utility does indeed become a crutch for the weak-minded.

The matter of religion also enters, at least indirectly, into the issue of why the French Enlightenment was so much more radical—in its thought and in its outcome—than its British and American counterparts. Himmelfarb is an admirably old-fashioned historian of ideas, but she is fully aware that the differences among the Enlightenments were not simply determined by ideas, independently of broader historical circumstances. Britain—and, by legacy, America—had by the mid-18th century already experienced a religious Reformation and, in 1688, a Glorious Revolution. Thus, she cites the claim of the historian Roy Porter that in Britain "there was no need to overthrow religion itself, because there was no pope, no inquisition, no Jesuits, no monopolistic priesthood." As for France, one might apply, in reverse, Louis Hartz's famous dictum that America had no socialism because it had had no feudalism; France had a radical revolution because it had had a reactionary *ancien régime*.

But, for Himmelfarb, ideas are also never mere epiphenomena of deeper historical conditions. In France, she insists, reason did wield an independent authority, an ideology with the power to incite rebellion. As employed by the *philosophes*, who imagined an ideal future and were utterly contemptuous of the present, reason was "inherently subversive." Ideas had consequences, and with a vengeance.

The Roads to Modernity is a valuable book, and most valuable in its reconstruction and appreciation of the British Enlightenment. Indeed, the idea of an Enlightenment that was reformist, socially engaged, friendly to religion, and, except at the fringes, unbeguiled by utopian fantasies is bound to appeal to many

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Iraq: Not a U.S. Colony

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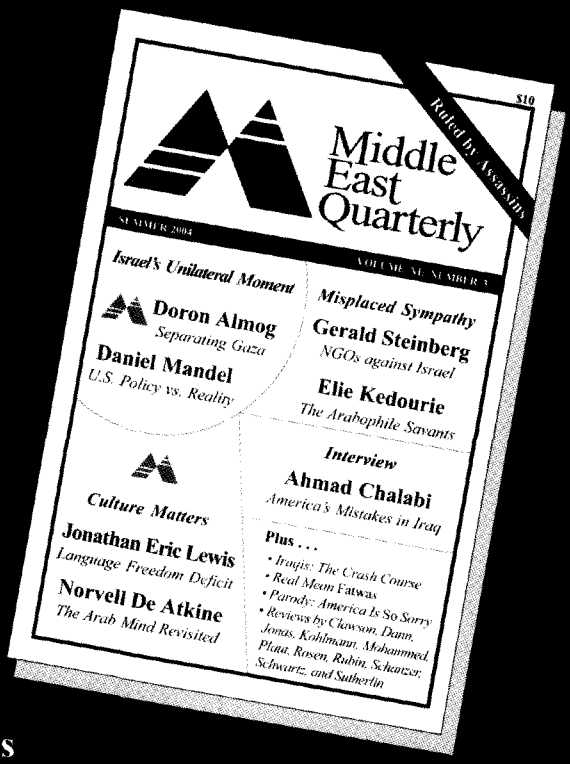

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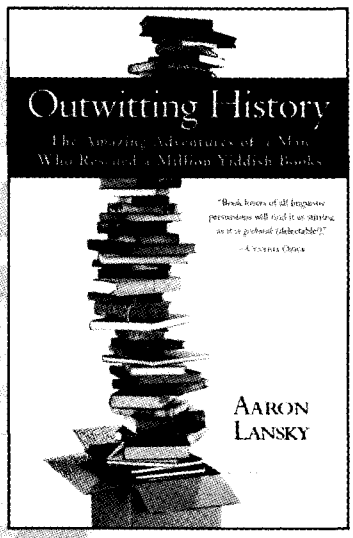

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who refuse to condemn modernity in its entirety but are, at the least, uneasy at signing up with the party of Voltaire and the French Revolution. This aside, one is also grateful for a work so lucid and fluent, so forcefully argued and yet so respectful of complexity.

Himmelfarb ends on an ironic note. The virtues of the British Enlightenment, she says, are little respected today in Britain or anywhere else in Europe. It is mainly in America—individualistic, religious, moralistic America—where they persist in significant form. Today, American exceptionalism consists essentially in preserving from the motherland aspects of a belief system that the motherland itself no longer holds dear. But we should, by now, be unsurprised by the ceaseless cunning of history.

Liberty for All

The Case for Democracy: The Power of Freedom to Overcome Tyranny and Terror

by Natan Sharansky with Ron Dermer

Public Affairs. 256 pp. $26.95

Reviewed by
Arch Puddington

NATAN SHARANSKY surely numbers among the foremost champions of freedom of recent times. A leading voice of Soviet dissent during the 1970's, he was largely responsible for transforming the demand that Soviet Jews be allowed to emigrate to Israel into the most influential protest movement in Soviet history. As a prisoner in the gulag, charged by the Kremlin with treason, Sharansky became a leading symbol of resistance to totalitarian brutality. During his nine years of incarceration—he was the first political prisoner released by Soviet leader Mikhail Gorbachev—he never compromised, never complained, and never lost hope in the inevitable triumph of his cause.

There were other dissidents whose courage and dedication to freedom were just as strong. But Sharansky played a uniquely important role in the process that culminated in the collapse of Communism and the disintegration of the Soviet Union. By insisting that emigration was an absolute right, Sharansky and other leaders of the movement for Soviet Jewry directly challenged a fundamental device of Communist control. The movement also challenged the premises of détente between the United States and the Soviet Union, persuading Americans like Senator Henry Jackson to push for legislation that conditioned trade with Moscow on its willingness to permit the emigration of Jews and other groups.

After his release and arrival in Israel, Sharansky devoted himself to the assimilation of the large contingent of Russian Jews that had arrived during the final years of the Soviet state. A founder of the Yisrael b'Aliyah party, which was established specifically to represent the interests of these new immigrants, he has served in the cabinets of both Labor and Likud governments, and is one of Israel's most respected political leaders.

IN *The Case for Democracy*, written together with the journalist Ron Dermer, Sharansky argues that only through the democratization of Palestinian society and the Arab world generally can a genuine peace be forged in the Middle East. In setting forth this thesis, he draws heavily on his experiences as a human-rights advocate in the Soviet Union. His contention is that the ideas and

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ARCH PUDDINGTON *is the director of research at Freedom House and the author of* Lane Kirkland: Champion of American Labor, *to be published early next year by Wiley.*

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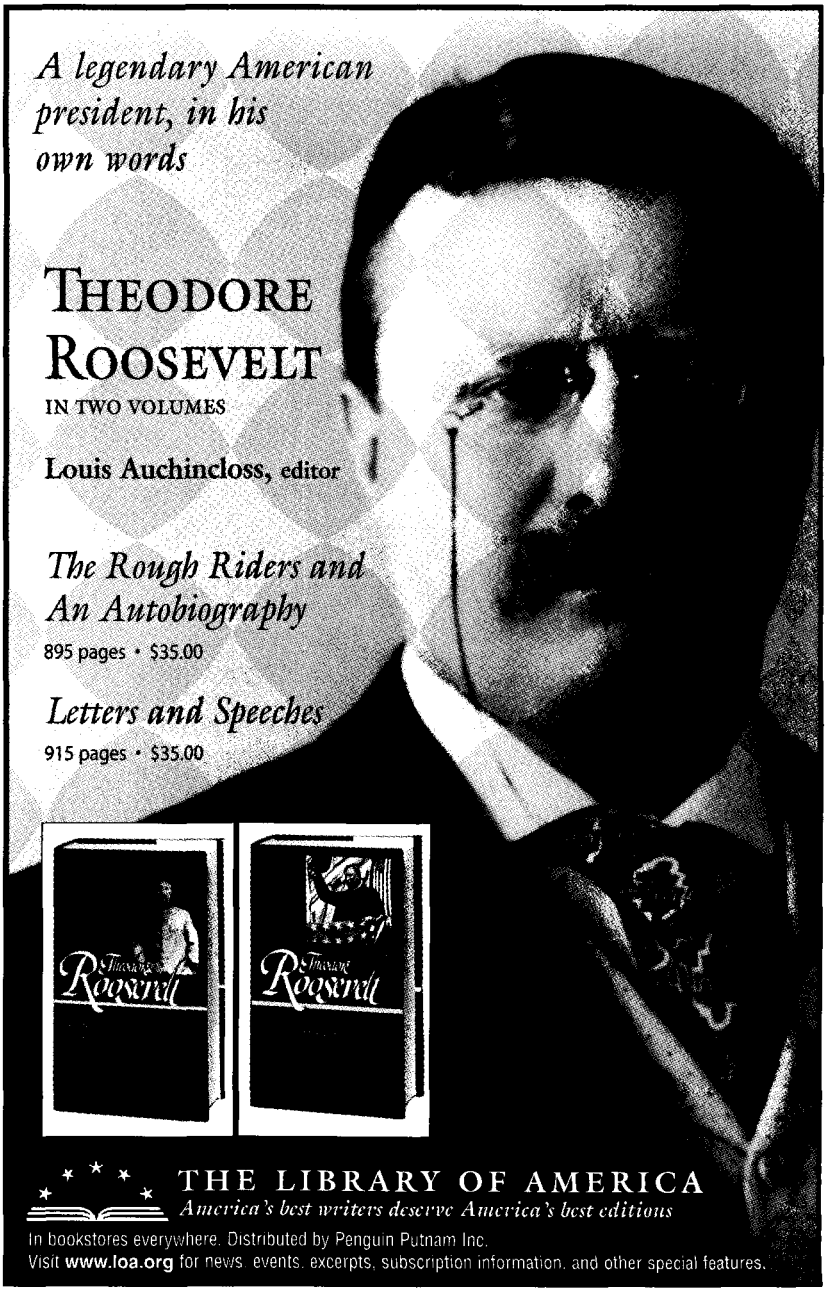
tactics responsible for democracy's triumph during the cold war can be applied with equal effectiveness to the challenge of expanding freedom's reach among Israel's Arab neighbors.

Sharansky cites an admonition by Andrei Sakharov, the spiritual leader of Soviet dissent: a state that mistreats its own people cannot be trusted to live in peace with its neighbors. To Sakharov, it was Soviet totalitarianism that bred the global environment of mistrust that defined the cold war. Similarly, Sharansky sees the authoritarian nature of the Palestinian Authority and the repressive regimes of other Arab states as the major roadblock to normal relations with Israel.

Sharansky has been sounding this theme since he began his involvement in Israeli public life. By his own account, he has urged four prime ministers—Shimon Peres and Ehud Barak of Labor and Benjamin Netanyahu and Ariel Sharon of Likud—to incorporate democratization into Israel's negotiating position. In every case, he has been politely turned down. Ariel Sharon summed up the prevailing attitude when he told Sharansky that his ideas had "no place" in the brutal politics of the Middle East. Others called them a "utopian fantasy."

Sharansky remains undeterred. Harking back to the cold war, he recalls how the first President Bush rejected his advice to adopt a policy that would encourage those forces, already well at work, that were leading to the breakup of the Soviet Union. Bush responded that such a policy would undermine Gorbachev and foment instability. In the end, the Soviet Union dissolved, Gorbachev was swept from power, and Bush appeared as the defender of a doomed and discredited system. The need for stability, Sharansky concluded, is one of the most misused arguments in political life. "In its name," he writes, "autocrats are embraced, dictators are coddled, and tyrants are courted."

Foremost among the coddled autocrats has been Yasir Arafat, whom Sharansky regards as the most serious impediment to peace in the region. He is appalled that successive Israeli governments, the United States, and other Western countries have based their policies on strengthening Arafat's position while ignoring his utter lack of concern for the well-being of his own people. Sharansky is especially critical of the Oslo Accords for creating an environment in which both Israeli leaders and outside powers conspired to ignore Arafat's corruption and authoritarianism on the grounds that his leadership was essential to peace. That Arafat closed newspapers, rigged elections, and suppressed voices of dissent was bad enough. But Sharansky was even more disturbed by the democratic world's refusal to insist on even the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In writing about Arafat's indifference to the economic conditions of Palestinians, Sharansky speaks from experience. As minister of trade and industry during the 1990's, he advanced several ideas for cooperation between Israel and the Palestinian Authority that would have contributed to the Palestinian economy while also forging closer ties between the two peoples. But the proposals were rejected by Arafat, who seemed uninterested in projects that might create sources of wealth and power outside of his direct control.

Sharansky's experiences with independent-minded Palestinians, on the other hand, have left him optimistic about the prospects for political change should the Palestinians break free of Arafat. He would like to see the goal of Palestinian democracy incorporated into the formal diplomatic stances of the United States and other parties involved in the peace negotiations. Globally, in a kind of extrapolation from this position, he advocates the creation of an entirely new institution, consisting exclusively of democratic states, as an alternative to the tyrant-infested United Nations.

Sharansky believes that democracy is a universal value, that no people would choose dictatorship if offered an alternative, and that it is as great a mistake to think that Arabs prefer an iron hand as it was during the cold war to argue that the Russian people were indifferent to freedom. There are those laboring in anonymity and under extreme duress for democracy in the Arab world; they deserve the same support, he insists, as the Sakharovs, Havels, and Sharanskys of an earlier era.

As Sharansky sees it, the critics of a democracy strategy are pseudo-realists, refusing to recognize that, in the post-9/11 world, there is no separating the free world's interests from its values. "In an age of weapons of mass destruction and global terrorism," he writes, "the dangers of ignoring the absence of democracy in any part of the world have increased dramatically." Relying on dictatorships as guarantors of stability is worse than folly; it is potentially deadly.

THE TIMING of *The Case for Democracy* is propitious. During the presidential campaign, John Kerry openly declared a preference for seeking stability rather than democratic change in such strategically crucial countries as Saudi Arabia, Egypt, Russia, and Pakistan. Meanwhile, questions have been raised about the seriousness of President Bush's commitment to a policy that seeks to expand democracy in the Middle East.

Skeptics of democracy promotion will dismiss Sharansky's views as naive or, out of respect for his impressive biography, will damn his ideas with faint praise. To buttress their case, such critics may point to Sharansky's own "road map" for peace in the region. It centers on a three-year period during which the outside world would collaborate to strengthen government and civil society among the Palestinians. After this period of institution-building, elections would be held and serious negotiations would begin toward a final peace settlement. Given current Middle East realities, this is a scheme whose feasibility must be seriously doubted. Indeed, Sharansky himself reports that Israeli politicians were unimpressed by President Bush's call to make reform of the Palestinian Authority an issue in the peace process.

But if there are weaknesses in the details of Sharansky's case for what amounts to a refashioning of the Middle East's political culture, he is surely right that democracy is the key to real peace in the region, not to mention victory in the war on terrorism. And if he occasionally ex-

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aggerates the relevance of the cold war to the situation in today's Middle East, it is worth remembering that those formerly Communist countries that embraced democracy have fared well, economically and politically, and live in peace with their neighbors, despite the fears of diplomats that the breakup of the Soviet empire would trigger region-wide unrest.

The Case for Democracy is suffused with the optimism that sustained Sharansky during his years of imprisonment. He conveys a genuine love for the Jewish people, respect for ordinary Palestinians, and faith in democracy. It is hard to imagine a more compelling advocate for the cause of freedom.

Wasp Nest

The Guardians: Kingman Brewster, His Circle, and the Rise of the Liberal Establishment
by Geoffrey Kabaservice
Henry Holt. 573 pp. $30.00

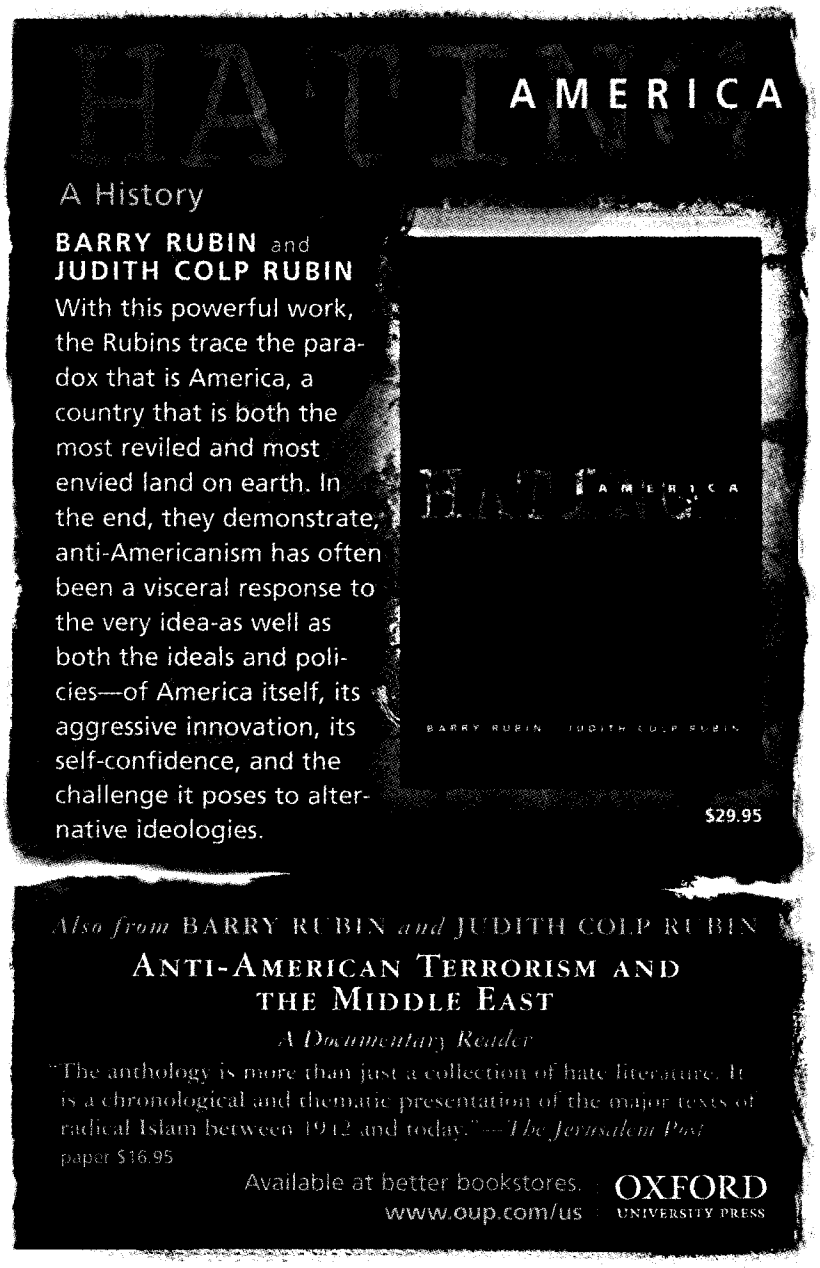
Reviewed by
Algis Valiunas

Geoffrey Kabaservice's *The Guardians* is an intellectual biography of the academic eminence Kingman Brewster and his closest associates, all men of Yale and Harvard, nimble of mind and stalwart of character. Kabaservice is himself a graduate of Yale, where he also earned a Ph.D. in history, and he plainly sees himself as preserving the tradition of moderate liberalism that his heroes exemplify. Indeed, Kabaservice suggests, Brewster and his cohorts should be seen as the legitimate successors to the Wise Men—the exclusive group around Averell Harriman, George Kennan, and Dean Acheson that was so influential in setting the course of post-World War II America. Without doubt, a fascinating crew.

Kingman Brewster, Yale College '41, Harvard Law School '48, was a founder of the isolationist America First Committee as an undergraduate, a naval airman in World War II, then an activist for world federalism, an apprentice wizard for the Marshall Plan, a professor at Harvard Law School, provost of Yale, president during the tumultuous 1960's and 70's, and later American ambassador to the Court of St. James's as well as master of University College, Oxford. In short, the author of a peerless résumé, with every distinction in its place.

Brewster seemed born to such

Algis Valiunas *contributed "The 'Magic' of Gabriel García Márquez" to our April issue.*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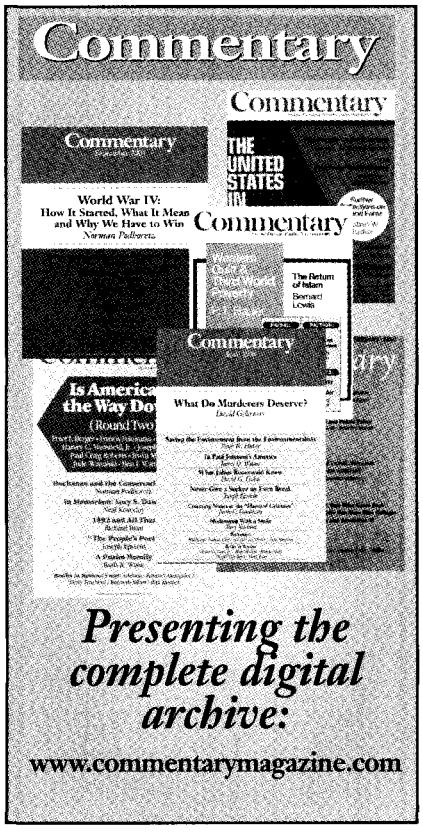

distinction. His ancestors came over on the *Mayflower*, and he could have traced his descent to the time of the Magna Carta. Although his father was a troglodyte lawyer who spoke darkly of FDR's allegedly Jewish birth, the son, after his brief stint as an isolationist, fell as far from the tree as possible and kept on rolling.

It must have helped that he was surrounded by the subsidiary Wasp dazzlers to whom Kabaservice introduces us. They included McGeorge Bundy, hailed as the most amazing freshman Yale had seen since Jonathan Edwards (class of 1712); as Lyndon Johnson's national-security adviser, Bundy would gear up the Vietnam war before becoming disillusioned and withdrawing to head the Ford Foundation. There were also Paul Moore, another Yalie and a much-decorated combat veteran of Guadalcanal who became the Episcopalian bishop of New York and an antiwar zealot; Cyrus Vance, pride of the Elis, who served in numerous government capacities, most notably as Jimmy Carter's Secretary of State; and the liberal Republicans John Lindsay, mayor of New York, and Elliot Richardson, the only person so far to have held four cabinet posts. Kabaservice sums them up:

> They had both brains and breeding; they were the best of the brightest, the brightest of the best. Their backgrounds and ambitions had conditioned them to carry on a tradition of gentlemen elites in the public service that traced back to Theodore Roosevelt—perhaps even, some said, to the Founding Fathers.

Undoubtedly the highlight of Brewster's own career was the presidency of Yale from 1963 to 1977. There he spearheaded great internal reforms and also faced the campus turmoil over both the Vietnam war and racial politics. In the former arena, Kabaservice shows Brewster and his colleagues—university trustees who included Lindsay, Moore, and Bundy—transforming Yale from the glorified boys' school of their own undergraduate years, when preppy Wasps, many of scant mental endowment, ruled the place, to the intellectually competitive and socially more diverse meritocracy that to most people now represents the best in higher education.

Brewster's reforms were indeed a significant achievement, won against stiff opposition. In 1970, an incensed member of the Yale Corporation, pointing to his distinguished colleagues, thundered, "These are America's leaders. There are no Jews here. There are no public-school graduates here." That would change, thanks largely to Brewster and his circle, and without qualification this was a change for the better, an example of liberalism at its noblest.

KABASERVICE HAS composed a fine narrative of the variegated public service performed by his paragons of high-mindedness. The book is clearly written, and extensive research and leg-work have gone into its making. Yet, although he tells their story well, Kabaservice fails to understand its full import, or perhaps chooses to scant its less agreeable aspects. For, whatever good his heroes accomplished, their way of thinking also had the bitterest consequences, unforeseen and certainly unintended, both for American education and for American public life. There was a destructive aspect to their liberalism: a fatal weakness that left it vulnerable to a strain of politics rather less gracious than their own, and virulent beyond measure.

Brewster's characteristic mode of mental operation derived from the legal-process school of jurisprudence, Harvard's gift to American law in the 1950's. The influence of this school of thought extended well beyond the legal branch of the academy. As Kabaservice writes:

> The process thinkers generally held that any decision was fine as long as the process leading to

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> it was fair. . . . The legal process would be sensible and flexible because those who applied it were too. The idea of process was in a sense the credo and self-justification of the liberal establishment.

Like his hero Brewster, who called himself a "due-process radical," Kabaservice tends to honor the process and ignore the result. In classical thought, the virtue of prudence requires that one use the right means in pursuit of the right ends; knowing the goal to be sought is thus indispensable to virtuous conduct. Legal process, by contrast, effectively annihilates the very idea of virtue, eliminating it from the moral vocabulary of those who most have need of it. In a grotesque inversion, the means come to justify the ends, whatever the ends might happen to be; indeed, the means justify the very lack of ends.

To this day, the most famous study of liberalism at Yale remains William F. Buckley, Jr.'s first book, *God and Man at Yale: The Superstitions of "Academic Freedom"* (1951). Kabaservice dismisses this book, written the year after Buckley left Yale College, as a poisonous and demented McCarthyite tract, just as McGeorge Bundy had done in the *Atlantic* when it first appeared; he also attributes some of Buckley's animus against his alma mater to the resentments of a Roman Catholic outsider. He is entirely blind to the considerable merits of Buckley's argument, whose implications would be played out in full view in the 1960's and 70's and whose ripple effects are still very much with us.

Buckley identified relativism, pragmatism, and utilitarianism as the hallowed beliefs of a liberal professoriate that sneered at God and country. ("[T]here is surely not a department at Yale that is uncontaminated with the absolute that there are no absolutes, no intrinsic rights, no ultimate truths," he wrote.) He also showed that the unquestioned idea of academic freedom rested on nothing but air: in many cases, this freedom proved to be not a means to truth, as its proponents claimed, but an end in itself. ("Truth, their argument compels them to admit, . . . is whatever each individual considers truth to be.") The academic posture of tolerance and accommodation was a sham—and no defense whatsoever against intolerance and bigotry, including the highminded variety.

George Santayana, the greatest philosopher Harvard has ever produced, recognized this liberal fallacy much earlier, asking what the good of liberty was if liberty got you no nearer to the good. Buckley's own prescience was masterly: he spotted the essential flaw that would eventually allow liberal education to be violated by the decidedly illiberal. That challenge presented itself with vivid directness during Brewster's years as president.

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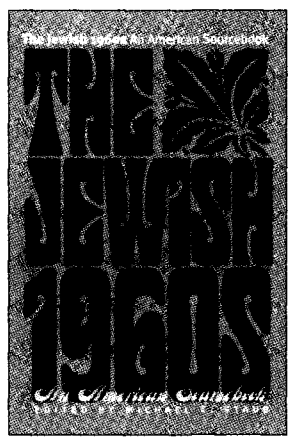

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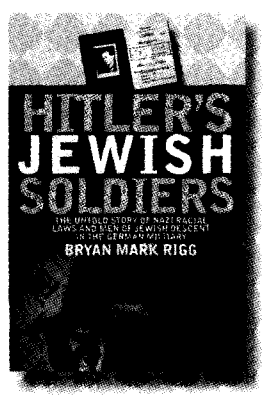

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There is much proud back-patting in *The Guardians* over Brewster's anguished delicacy in the face of campus rebellion, his concern for flexible procedure and compassionate evenhandedness in dealing with the Vietnam protestors and the fellow-travelers of the Black Panthers. But, just like Brewster himself at the time, Kabaservice sedulously ignores the political ends being pursued by these rebels, instead devoting a great deal of space to describing the supposed ethical splendors of the antiwar movement. There is not a word here about the North Vietnamese tyranny we were fighting and to whose tender mercies we would soon leave our South Vietnamese allies, or about the Cambodian genocide that followed our capitulation. The absence of such historical perspective, so many decades later, is worse than careless or disingenuous; it is a moral abdication.

Something similar could be said of Kabaservice's blindness to the educational consequences of Brewster's style of accommodation. At the very time that Yale, with its new admissions policies, seemed to be consecrating itself to true intellectual seriousness, education there and elsewhere was becoming the opposite of serious. The essential emptiness of the "process" types permitted the onrush of the postmodern academic barbarians who by now, together with the tenured revolutionaries, have largely taken over the show, especially in the humanities and social sciences.

The Guardians is not without its virtues, some of which I have tried to stipulate. The problem with it is the problem of the universities themselves: an intellectual impoverishment that masquerades as richness. This is the fate to which the heirs of Brewster and his circle have consigned the academic world, and there is no easy climb out of it.

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Seeing Red

What's the Matter with Kansas? How Conservatives Won the Heart of America
by Thomas Frank
Metropolitan. 320 pp. $24.00

Reviewed by
Jonathan Kay

When people speak of the American heartland, Kansas is what they have in mind. It is the state that gave us Pizza Hut, prohibition, and the country's first suburban shopping center. Bob Dole grew up there, as did Superman and Dorothy (not to mention Toto). Kansas is also the birthplace of the feisty class warrior Thomas Frank, a regular contributor to *Harper's* and the *Nation* and the author, previously, of *One Market Under God: Extreme Capitalism, Market Populism, and the End of Economic Democracy* (2000).

In *What's the Matter with Kansas?*, which has become something of a sensation among the literati of the Left, Frank journeys home to try to find out how the Republican party has managed to recruit so many of the state's working-class voters—men and women who, as he sees it, owe their natural allegiance to the Democratic party. His conclusion: they have been brainwashed, and unless Democrats are willing to wage bare-knuckled class warfare to win them back, the party of FDR may disappear altogether. As goes Kansas, so goes America.

On the color-coded map made famous by the election of 2000, America is blue (Democratic) on its edges and red (Republican) in the middle. Kansas, which occupies the exact geographical center of the continental U.S., is about as "red" as they come. According to Frank, however, the state's Republican machine is actually two parties in one: the "mods" and the "cons" (as he annoyingly labels them). The first group is composed of politicians with moderate views on social issues and strong ties to the urban business elite; the second, of poorer, angrier, more religious politicians whose careers spring from grassroots activism.

Frank sees the Republican moderates as uncomplicated political animals: wealthy corporate types protecting their own interests. It is the conservative rank-and-file that mystifies him—all the factory workers, meatpackers, and farmers who vote Republican despite the hard times brought upon them, he insists, by decades of GOP-supported union-busting and deregulation. As Frank writes, in a characteristically florid passage, Kansas and the other red states present "a panorama of madness and delusion worthy of Hieronymous Bosch: of sturdy blue-collar patriots reciting the Pledge while they strangle their own life chances, of small farmers proudly voting themselves off the land, [and] of devoted family men carefully seeing to it that their children will never be able to afford college or proper health care."

Today's electoral trends strike Frank not only as counterintuitive but as a strange anomaly in American history. As he wistfully notes, a very different brand of populism captured Kansas in the late 19th century, when struggling farmers embraced a radical platform to purge the "money power" and succeeded in sweeping career politicians from office. The state remained friendly to socialists for decades thereafter. Even into the postwar years, Kansans were eager supporters of the New Deal and regularly sent Democrats to Washington.

What changed? The answer, Frank believes, is that conservative demagogues have whipped the voters of the Great Plains into a condition of "derangement" over social

Jonathan Kay *is the comment-pages editor of Canada's* National Post.

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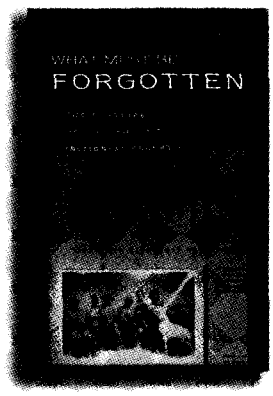

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Gary Rosen, Managing Editor

and cultural issues. The Rush Limbaughs, Ann Coulters, and Bill O'Reillys of the world have mastered the art of the "Plen-T-plaint," a clunky neologism defined by Frank as "a curious amassing of petty, unrelated [examples] of the many tiny ways the world around us assaults family values: . . . tales of foul-mouthed kids, crime in the streets, rabid feminists, out-of-control government agencies, crazy civil-rights leaders, obscene art, welfare cheats, foolish professors, and sitcom provocations." And the enemy is always the same: Hollywood libertines, government social engineers, and Ivy League know-it-alls. At election time, outraged Middle Americans embrace the only people who dare to stand against this deluge: the standard-bearers of the Right.

That such conservative complaints are trivial and specious is something Frank takes for granted. But even if they were not, he argues, there would still be little sense in workers voting Republican. Red states have sent dozens of conservatives to Congress in recent years, but, according to Frank, they have accomplished little: abortion is still legal, the public schools still teach Darwin, and the Supreme Court has asserted a constitutional right to sodomy. Many high-profile conservative campaigns are in fact *designed* to fail, he speculates, so as to compound the sense of victimhood felt by the conservatives masses.

GOP politics, in short, is a giant game of bait-and-switch. Voters in Middle America send Republicans to Washington to fight the culture wars, and Republicans mollify them with empty gestures of protest—before getting down to the real business of cutting taxes, deregulating the economy, promoting free trade, and otherwise selling out the men and women who put them in office.

HARNESSED APPROPRIATELY, indignation can be a writer's friend. But restraint is not one of Thomas Frank's virtues. Most chapters of *What's the Matter with Kansas?* follow the same repetitive pattern: he begins in a measured way, building his case with statistics, interviews, and media analysis; as the pages roll on, however, he slips into a stenciled rant. By the book's end, a reader feels as if he has been through the same fiery essay again and again.

As for Frank's line of argument, its most obvious shortcoming is the mistaken assumption that, absent Republican propaganda, voters' choices would align exactly with their (supposed) class interests. But few Americans are the doctrinaire materialists Frank supposes them to be. Religion, crime, education, bioethics, race relations, and a host of other cultural issues all figure prominently in how Kansans—like most other Americans—assess the country's health. By dismissing these concerns as mere opiates, Frank shows himself to be not just an ideological throwback but a crude one at that.

False, too, is Frank's insistence that social conservatives never actually deliver the goods. Admittedly, there seems little chance of overturning *Roe* v. *Wade* any time soon. But the Republicans elected by Kansas and other red states have created real national debates on everything from school choice and gay marriage to affirmative action and stem-cell research. And then, of course, there is the war on terror, an issue guiding millions of voters in the presidential election but rating no mention here. As a writer with Marxist tendencies (he describes capitalism as "borderline criminal"), Frank is obsessed instead with inequality. His complaint boils down to the fact that others do not share his fixation.

But even on its own strictly materialistic terms, Frank's argument does not stand up. It is true, as he writes, that the Republican party is a heterogeneous entity that brings together down-and-out factory

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workers and Park Avenue businessmen. And it is also true that, in the short run at least, the latter stand to benefit disproportionately from laissez-faire economics. Yet most ordinary Americans understand that, in the long run, the economy is hardly the zero-sum contest between owner and worker that Frank imagines it to be. They know that soaking the rich and over-regulating corporations will inevitably destroy jobs—perhaps their own—and also stymie small-business owners.

The Republican party is held together by a deeper ideological bond as well. The view that people are best categorized by their socioeconomic status has never been popular in the United States. Most Americans believe that even the poorest citizen can advance himself through entrepreneurship and hard work, or at least vault his children into a better life. And so they are inclined to embrace policies that permit those who do make good to enjoy the fruits of their success. It is ironic that a writer who purports to be taking the pulse of Middle America would mistake such a defining national trait as mere gullibility.

Money Man

Alexander Hamilton
by Ron Chernow
Penguin. 818 pp. $35.00

Reviewed by
Charles R. Kesler

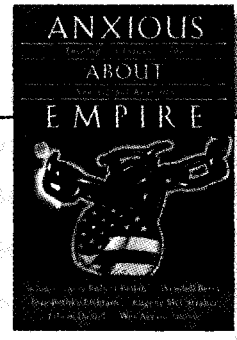
The 20th century was not kind to Alexander Hamilton. His fame peaked early, spurred by Henry Cabot Lodge's admiring biography (1882) and by Republican eulogists as diverse as Theodore Roosevelt and Calvin Coolidge. Though many Progressives liked Hamilton's expansive view of federal power, his support for banks and bonds rankled them; they felt it wiser to combine his principles with those of his bitter rival, Thomas Jefferson. In that alleged synthesis, Hamilton was not so subtly demoted: in the famous formula of the political journalist Herbert Croly, Hamiltonian *means* were to be mustered for the sake of Jeffersonian *ends*.

Franklin D. Roosevelt made clear his opinion of the two founders by celebrating the Virginian—he put Jefferson's face on the nickel and consecrated the Jefferson Memorial—and by consigning Hamilton, gently but firmly, to the infamous company of the robber barons and economic royalists. Hamilton, said FDR, was "the most brilliant, honest, and able exponent" of the view that "popular government was essentially dangerous and essentially unworkable." And there Hamilton languished, as Jefferson's anti-democratic foil, for the rest of the century.

Today, circumstances are much altered. Capitalism bestrides the globe, conservative Republicans have dominated national politics, and Jefferson's reputation suffers from a generation's sustained assault by scholars and popular writers consumed by his unsavory relation to slavery. The time has therefore become ripe for a Hamilton revival, and signs of it have been visible in everything from editorials in the *Weekly Standard* propounding a Hamilton-inspired vision of "national greatness" to a major Hamilton exhibition at the New-York Historical Society this fall.

If this rehabilitation succeeds, it will be thanks in no small part to Ron Chernow's outstanding biography, which has seized a favorable moment to make the strongest possible argument for the man and his policies. *Alexander Hamilton* is not only the longest and most compre-

Charles R. Kesler *is professor of government at Claremont McKenna College and the editor of the* Claremont Review of Books.



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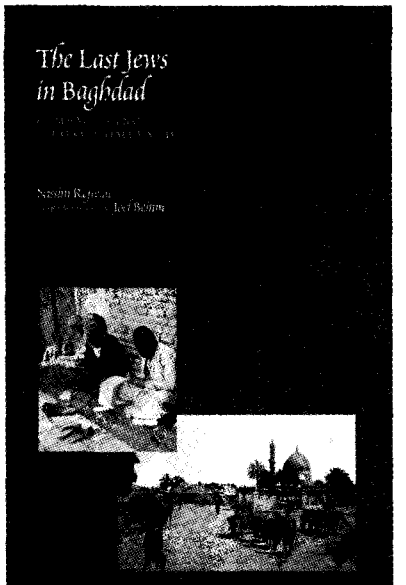

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hensive biography of its subject to appear in nearly 50 years. It is an impassioned defense and the most absorbing psychological portrait of him ever produced.

HAMILTON WAS born on the fly-speck island of Nevis, in the West Indies, and spent his childhood there and on St. Croix. Though Hamilton never returned to the Caribbean and rarely spoke of his upbringing, Chernow emphasizes how much he was haunted by the scenes of his youth, especially the viciousness of slave society and the languid morals of the islands.

For examples of the latter, Hamilton did not have to look far. It is hard to imagine an unhappier marriage than that of his mother Rachel to John Lavien, who had her thrown in prison because she would not sleep with him but apparently would with others. Upon her release, Rachel abandoned her husband and son on St. Croix and fled, without benefit of divorce, to St. Kitts and eventually into the arms of James Hamilton, with whom she had two more children. Alexander, the second of these, was born in 1755 (other historians say 1757). A decade later James Hamilton abandoned his family. Alexander's mother died two years after that; the next year his cousin, the guardian of the orphaned brothers, committed suicide; and in rapid succession their aunt, uncle, and grandmother died, too.

Despite a childhood that would make Bill Clinton's look like a picture of normalcy, Hamilton found a way to rise. Taken in by Thomas Stevens, a successful merchant, the boy prospered as a clerk in the local branch of a New York mercantile firm. He began to write for the newspaper, and his precocity induced a group of his employers and friends to assemble a scholarship fund for him. In 1772 or early 1773 he sailed away from St. Croix and into American history.

At Columbia University (then King's College, a Tory stronghold), Hamilton became an ardent and intelligent supporter of the colonies' claims against Great Britain. He unsheathed his pen in the New York papers, and then his sword, progressing within a year from artillery captain to General George Washington's aide-de-camp, in which capacity his pen was again pressed into service. After years of entreaties, Washington finally yielded and returned Hamilton to combat duty, just in time for him to lead the decisive charge at Yorktown in 1781.

THE BOOK'S centerpiece is Hamilton's political life, especially his role in establishing a national government. As a political thinker, his greatest achievement was *The Federalist*, the series of newspaper essays (1787-88) that he organized in defense of the proposed Constitution. Hamilton, who wrote the majority of them, recruited John Jay and James Madison to share the labor.

Yet his decade-long collaboration with Madison, culminating in *The Federalist*, soon crumbled under the pressures of interpreting and implementing the Constitution whose ratification they had helped to secure. Hamilton and his Federalist-party allies saw the new charter as a broad grant of national authority; Madison and Jefferson insisted that it was a Constitution of carefully enumerated powers, meant to leave the states as the primary political actors.

The dispute came to a head in the vitriolic party battles of the 1790's, at the center of which were Hamilton's policies as the first Secretary of the Treasury. Chernow's familiarity with economics and economic history (his previous books include *Titan*, a biography of John D. Rockefeller, as well as *The House of Morgan*) pays dividends in his account of Hamilton's financial reforms. With the exception of Forrest McDonald, no other historian has written so lucidly on Hamilton's policies to fund the national debt, to have the federal

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government assume the states' debts from the Revolutionary War, and to establish a national bank. The point of these programs, all enacted in George Washington's first term, was to establish America's good faith with its foreign and domestic creditors, thus stimulating the economy and, Hamilton hoped, binding the Union closer together.

Hamilton's system worked like a charm, but it had the unanticipated consequence of triggering his own political demise. His enemies, particularly Jefferson and Madison, "adhered to a static, archaic worldview that scorned banks, credit, and stock markets," writes Chernow. "Like landed aristocrats throughout history, they betrayed a snobbish disdain for commerce and financial speculation." They saw Hamilton's system not as an instrument of constitutional government but as an engine of corruption, designed to arrogate power to the executive branch and, through its moneyed influence, to suborn the legislature, erecting on the ruins of republicanism a pseudo-aristocracy of finance and a pseudo-monarchy with Hamilton as prime minister. In the political wars of the 1790's, Chernow is firmly on Hamilton's side.

But his portrait shows Hamilton's limitations, too. For all of his genius and blazing self-confidence, Hamilton lacked a certain salutary self-restraint. When his natural candor combined, as it often did, with his ready indignation and sensitivity to slights, he made and kept enemies. Sometimes he doubted gloomily that he could ever be accepted as an American. Chernow perceptively observes that Hamilton was at his best when under George Washington's authority and watchful eye.

The Farewell Address, largely drafted by Hamilton, was his last great service to Washington. After that, his political influence and standing slowly declined. His earlier adulterous affair with the blubbering Maria Reynolds was revealed in the press and, in his usual spirit of overkill, Hamilton replied in an excruciating, pamphlet-length confession. In 1800, he published an essay that was so extraordinarily critical of President John Adams, a fellow Federalist, that its final, grudging endorsement of Adams's reelection came as a cruel anticlimax.

Yet Hamilton could rise above old animosities and party differences. To break the electoral tie in that presidential election, he advised his loyalists to support Jefferson, not the scoundrel Aaron Burr, whom he considered the greater evil. Chernow concludes with the steps and missteps of Hamilton's later life, down to the heartbreaking scene of his eldest son's death in a duel in defense of his father's honor; and finally to Hamilton's own death at Vice President Burr's hands in their duel at Weehawken, New Jersey in 1804.

Despite the many excellences of *Alexander Hamilton*, Chernow's research is not always as painstaking as one might hope. His account of the thought and actions of Jefferson, Madison, and Adams relies heavily on their biographers at the expense of primary sources. Historians will also take him to task for embellishing the record. He paints Hamilton's mother, for instance, as more of a libertine than she probably was.

More seriously, Chernow presents something of a caricature of Hamilton's great antagonists. He assails Jefferson and Madison not only as slaveholding hypocrites—a common Federalist charge that has once again come into vogue—but as thinkers whose outlook was fundamentally anti-modern. In Chernow's view, they failed or refused to see that America's rise would be based on banks, stock markets, manufacturing, immigration, strong executives (in business and politics), and vigorous nationalism. Hamilton

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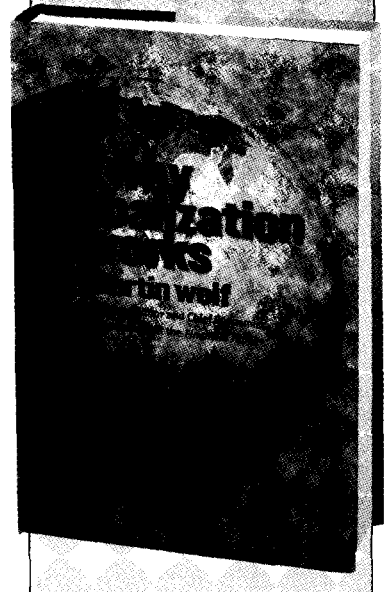

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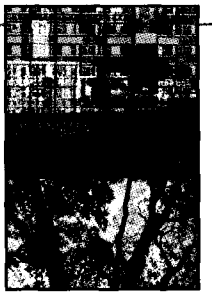

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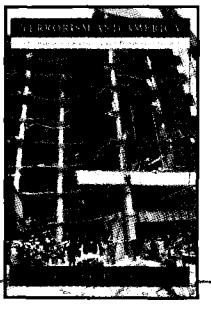

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was "the prophet of the capitalist revolution in America," he writes, the "messenger from a future that we now inhabit."

To make this case, Chernow not only overstates the extent of Jefferson's agrarianism but neglects almost entirely the Virginian's efforts as a scientist, educator, and reformer. He also fails to do justice to the economic thought of Jefferson and Madison, whose concerns about the inegalitarian aspects of modern manufacturing did nothing to dampen their enthusiasm for commerce and trade, which they considered civilizing influences of the highest order.

Likewise, Chernow exaggerates Hamilton's affinities with modern America, especially when it comes to politics. It is crucial to recall that, in the six-hour speech at the Federal Convention in which Hamilton outlined his own hopes for the Constitution, he recommended that the President and members of the Senate serve for life, on the condition of good behavior. Indeed, Hamilton was so busy warning the American people against self-flattery that he rarely had a good word for them himself. They were always on the verge of disappointing him and of betraying their own cause. He was not, to say the least, the kind of glibly optimistic democratic politician so popular today.

A FINAL difficulty lies in Chernow's suggestion here and there that Hamilton's belief in energetic national government paved the way for the modern regulatory and social-welfare state. This was also a favorite theme of Hamilton's defenders in the Progressive era. But there is less to this supposed similarity than meets the eye. A huge gulf remains between Hamilton's loyalty to what he called a "limited Constitution" and today's "living Constitution," which seems capable of justifying virtually any activity that the federal government sees fit to undertake. In this, as in much else, Hamilton remains much closer to the principles of Jefferson and Madison.

But it is not necessary for Chernow to stretch a point in order to vindicate his hero. One of *Alexander Hamilton*'s charms is that it pays more attention than any previous biography to Eliza Hamilton, who outlived her beloved husband by a half-century. She impressed on her family a singular duty: "Justice shall be done to the memory of my Hamilton." With this sprawling, enthralling biography, Ron Chernow has come closer than anyone else to fulfilling her charge.

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Bill Clinton famously proclaimed that "the era of big government is over." He was wrong: it just moved to the suburbs. State and local governments now dwarf the national government. Fully 86 percent of civilian government employees work for state and local entities. That translates into 46 million Americans who either work for local governments or depend on someone who does.

By long-standing tradition, Americans prefer their government to be close to home, where ostensibly we can control it. We've got half our wish: most government is local, but it is out of control. Local governments are multiplying like rabbits, at a rate of one new entity added each day. They operate the schools our children attend, determine the uses of our property, and tax us at a higher rate than the national government.

It wasn't supposed to be this way. The founding fathers, fearing all government, created federalism not to aggrandize state governments but to protect individual liberty, presuming that government closer to the people could be trusted to guard those rights. As tyrannical state leaders violate liberty in the name of "states' rights," we discover that those who coined that term had it wrong. **States do not have rights. People have rights. And the purpose of federalism is to protect those rights.**

Grassroots tyranny usually afflicts the proverbial little guy. In Mesa, Arizona, Edward Salib owns a Winchell's Donut franchise and posts the company's signs in his store windows.

But Mesa ordered him to cease the advertising, citing an ordinance declaring that signs could only cover a certain percentage of a window (to protect the city's "aesthetics"). But the standard Winchell's advertising signs covered more than the allowed space. Salib asked if he could comply by leaving one window empty of signs. Not enough, the city responded.

Salib turned to the judicial system. Federal courts often strike down local laws when they violate freedom of speech—except when the speech is commercial. Although many people highly value commercial speech, the courts do not. Salib's challenge to Mesa's ordinance failed in the trial court and is now on appeal.

There are thousands of such stories. The typical person lacks the resources to take on local governments. The odds are further stacked by the politicians' ability to use their citizens' tax dollars against them. Even when people can stand up for themselves, they often encounter court systems that indulge every presumption in favor of local government power.

What can we do to fight the leviathan? First, we should pay attention. The school board member or zoning commissioner often has more impact on the lives of ordinary people than does the president of the United States. We should get to know local officials and expend as much effort on local politics as we do on national politics.

We also need to rediscover federalism. We must remember that the object of American constitutional government is the preservation of individual liberty and that government at every level is a constant threat to that liberty.

In terms of fighting grassroots tyranny, we should look to state constitutions. Many state constitutions provide greater protections of liberty than does their national counterpart.

Most important, we can fight back. Washington, D.C., remains an object of concern for those who value freedom. But the more dangerous bully may live closer than we think. Only by standing up against it can we hope to vindicate our own freedom and cause government officials to act like the public servants they are meant to be.

—Clint Bolick

Clint Bolick is a research fellow at the Hoover Institution. This essay is adapted from his new book Leviathan: The Growth of Local Government and the Erosion of Liberty *(Hoover Press, 2004).*

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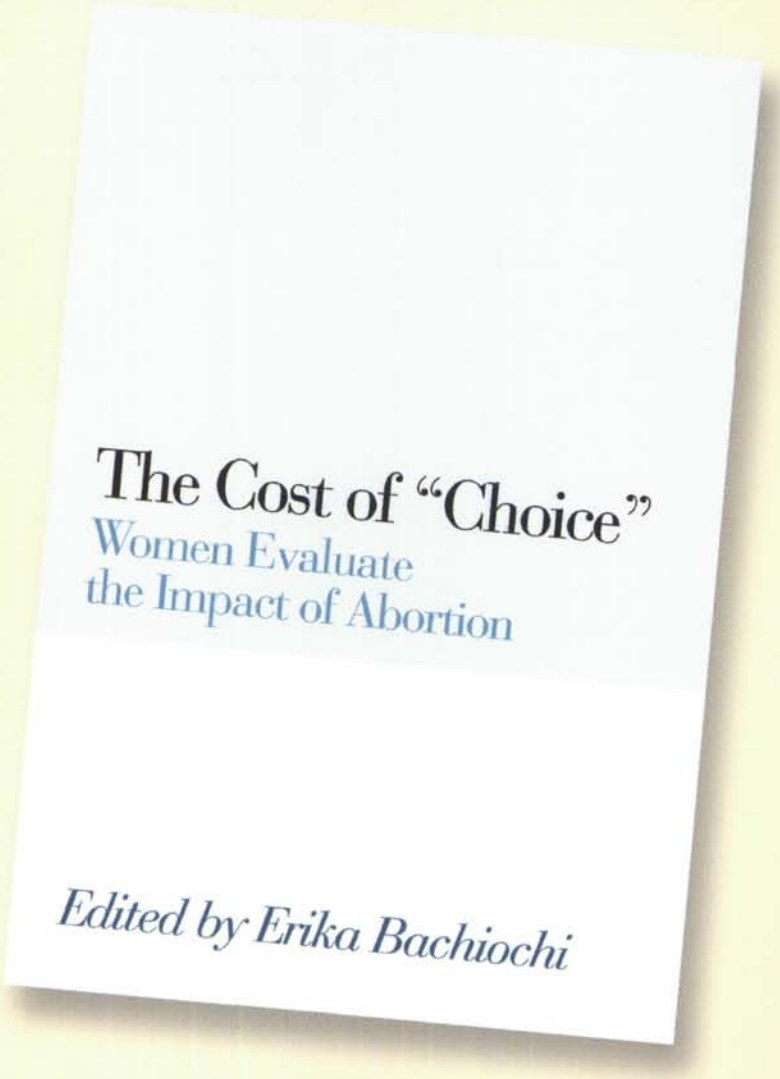

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